

PB# 02-36

**Beattie Rd.
(Sub.)**

55-1-42.4

02-36

BEATTIE ROAD SUBDIVISION
BEATTIE ROAD (MIFLE)

MULLIGAN PROPERTY 5 LOTS

*File closed and
Reapplied under #05-11
5/4/05*



TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670

REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

Application submitted to Planning
Board for sub-division of property
owned by Mrs. Mulligan and
related attachments.

Date Records Requested: 9/30/02

Name: Ann Pagliaro

Address: 443 Beattie Rd Rock Tavern, NY 12575

Phone: (845) 496-5078(h) 845-562-0380(work)

Representing: Catherine Mulligan of
R+C Mulligan Corp.

Documents may not be taken from this office.

JOHN E. BACH, JR.

ATTORNEY AT LAW

P.O. BOX 61

38 SCOTCHTOWN AVENUE

GOSHEN, NEW YORK 10924



TELEPHONE: (845) 294-7941

E-MAIL: jbach@frontiernet.net

FAX: (845) 294-7942

(NOT FOR SERVICE OF PROCESS)

September 27, 2002

Town of New Windsor
Planning Board
555 Union Avenue
New Windsor, New York 12553

RE: Mulligan Property, Beattie Road, Town of New Windsor

Dear Sir or Madam:

Please be advised I represent Catherine Mulligan who has contracted to sell property located on Beattie Road, in the Town of New Windsor, New York, to Beattie Road Associates, LLC. In accordance with the contract of sale, purchaser is granted permission to submit a subdivision application to the Planning Board.

Very truly yours,

A handwritten signature in dark ink, appearing to read "s/ JEB/ah", written over the typed name.

JOHN E. BACH, JR.

JEB/ah

PLANNING BOARD APPLICATION SUBMITTAL CHECKLIST

The following items are to be returned to the Planning Board Secretary, **complete as a package**, to make application to appear before the Planning Board:

- | | <u>CHECK OFF</u> |
|---|-------------------------|
| 1. Completed Page 1 and 2 of Application form. | <u>X</u> |
| 2. Agricultural Data Statement (If you answer yes to #9 on application) | <u>—</u> |
| 3. Applicant/Owner Proxy Statement (<u>MUST HAVE</u>). | <u>X</u> |
| 4. a. Applicable completed ACheck List for subdivision/L.L. Chg. or Site Plan | <u>X</u> |
| b. Approval box on all sheets of plan as described in #4 of Subdivision Check List and #2 of Site Plan Check List. | <u>X</u> |
| 5. Short Form EAF (Unless instructed to prepare long form). | <u>✓</u> |
| 6. Flood Hazard Area Development Application. | <u>✓</u> |
| 7. TEN (10) Sets of plans – folded to fit in legal size file folder with name block showing. | <u>✓</u> |
| 8. SEPARATE CHECKS AS FOLLOWS: (Choose appropriate category for your project) | |

SITE PLANS: (INCLUDING SPECIAL PERMIT)

Two Separate Checks: (One check for application fee and separate check for escrow amount)

Application fee.....\$100.00

Escrow (Unless other amount specified at workshop) \$750.00

\$ _____

(Additional escrow due for multi-family dwellings)

SUBDIVISIONS:

Two Separate Checks: (One check for application fee and separate check for escrow amount)

Application Fee...(minor subdivision only).....\$ 50.00

Application Fee...(major subdivision only).....\$100.00

ESCROW:

Residential: \$150.00 each - for each of first 4 lots

\$ 75.00 for each additional lot -

Total:\$ 675⁰⁰

Commercial: \$400.00 each - for each of first 4 lots

\$200.00 for each additional lot -

Total:\$ _____

LOT LINE CHANGE:

Two Separate Checks: (One check for application fee and separate check for escrow amount)

Application fee.....\$50.00

Escrow (Unless other amount specified at workshop). ...\$150.00.....\$ _____

PLEASE NOTE: ADDITIONAL FEES DUE UPON COMPLETION OF PLANNING BOARD REVIEW.

Mason, Myra

From: Mark J. Edsall [mje@mhepc.com]
Sent: Monday, September 30, 2002 8:16 AM
To: mmason@town.new-windsor.ny.us
Cc: mje@mhepc.com
Subject: Neuman

Myra,

I was contacted over the weekend. Apparently the Neuman subdivision does not have authorization from the property owner. Apparently, neuman is in contract with the owner, but they have violated the contract and the owner has advised that neuman is NOT authorized to make an application.

I was told you would be getting a letter from the property owner today. If you get it let me know. We should then contact Jim P and we can send a memo to Andy K.

I would say to put the file on hold until further notice.

Mark

Mark J. Edsall, P.E.
McGoey, Hauser & Edsall, C.E., P.C.
33 Airport Center Drive, Suite 202
New Windsor, NY 12553

ANDREW S. KRIEGER
ATTORNEY AT LAW
219 QUASSAICK AVENUE
DESTINTA SHOPPING CENTER
NEW WINDSOR, NEW YORK 12553
(845) 562-2333
FAX (845) 562-2407

September 25, 2002

Myra L. Mason, Planning Board Secretary
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

Re: Mulligan Property

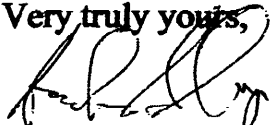
Dear Myra:

Pursuant to our telephone conversation of September 24, 2002 and the documents which you have sent to me, it appears that no one except the owner of the property may make application for its subdivision. That owner appears to be R & C Mulligan Corp, or Catherine C. Mulligan.

The portion of the contract which you forwarded to me does not appear to have notarized signatures and therefore the Town of New Windsor cannot rely on its accuracy.

In a review of the documents additionally, it does not appear that any such document specifically authorizes anybody to act on behalf of the owner. A person may apply to subdivide property owned by another by having the owner of the property sign the application, by filing a properly completed proxy or by filing a power of attorney prepared in accordance with the statute and in recordable form. These are the only ways in which a non owner may file an application.

Thank you.

Very truly yours,

ANDREW S. KRIEGER

7. **The Release Price.** The release price shall be computed by multiplying the principal amount of the note by 125%. For example based on a promissory note in the sum of \$1,545,000 (100 lot subdivision), the release price would be \$19,312.50 per lot. All releases shall be prepared by Seller's attorney at a cost to purchaser of \$100.00 per release.

6. **Municipal Approvals:** Buyer shall endeavor to complete the municipal and other governmental approvals to subdivide the property within twelve (12) months from the date of this contract, hereinafter referred to as the "Subdivision". The Buyer shall bear all costs and expenses in connection with obtaining the municipal approvals including survey, zoning, environmental studies, engineering, etc.

In the event that all approvals are not obtained within the aforesaid 12 months period, Seller agrees to extend the time to complete the approval process for an additional twelve (12) months and the Buyer agrees to pay to the seller Thirty Thousand Dollars (\$30,000.00) for payment of Real Estate taxes and other legitimate expenses related to the carrying costs of the Property, provided same are approved by Buyer, which approval will not be unreasonably withheld. In the event that all approvals are not obtained within the aforesaid second 12 months period, Seller agrees to extend the time to complete the approval process for an additional twelve (12) months and the Buyer agrees to pay to the seller an additional Thirty Thousand Dollars (\$30,000.00) for payment of Real Estate taxes and other legitimate expenses related to the carrying costs of the Property, provided same are approved by Buyer, which approval will not be unreasonably withheld. Seller further agrees to authorize the Buyer to execute on Seller's behalf any application or other documents necessary for the contemplated approvals.

7. **Time and Place of Closing:** Closing of title shall take place within forty (45) days of Buyer's receipt of final and non-appealable Site Plan Approval for the "Subdivision". The closing will be held in a place to be mutually agreed by Buyer and Seller's attorneys.

8. **Transfer of Ownership:** At closing, the Seller will transfer ownership of the property to the Buyer. The Seller will give the Buyer a properly executed Bargain and Sale Deed with covenants against Grantor's Acts in proper statutory form for recording so as to transfer ownership of the Property in accordance with the provisions of this Agreement. The Deed will contain a covenant by Seller as required by Section 13 of the Lien Law.


9. **Title:**

(a) The Seller shall transfer and the Buyer shall accept title free and clear of all liens, encumbrances, claims and rights of others, except for the following:

1. Taxes and assessments for the year in which the closing takes place not yet due and payable and any assessments which are or may be payable in annual installments, except that the Seller shall be responsible only for the annual

RIDER to Contract of Sale: Sellers: R & C MULLIGAN CORP. and
CATHERINE C. MULLIGAN, and Purchaser: BEATTIE ROAD ASSOCIATES, LLC.

NOTWITHSTANDING anything set forth in the main contract, it is agreed as
follows:

1. R & C MULLIGAN CORP. is the owner of the first four parcels set forth in
Schedule "A" and CATHERINE C. MULLIGAN is the owner of Parcel 5.
2. The Tenant is CHARLES POPEK, doing business as ROCK TAVERN
HUNTING PRESERVE.
3. If the second and third installments are tendered to the seller, they shall not be
credited towards the purchase price if title closes but shall be retained by the sellers as
consideration for the removal of the property from the market for such period(s) of time.
4. Prior to release of the ten (10) lots at the time of closing, the Purchaser shall
execute all documents required by the Town of New Windsor concerning the roads,
infrastructure and easements and shall produce proof that all maintenance and
performance bonds are in place. *Releases will be kept until an*
held in escrow by seller's attorney. 
5. The purchase money note and mortgage shall be prepared by the attorney for
the seller. His fees shall be \$500.00. The purchaser shall be liable for the entire 1%
mortgage tax and recording fees for the mortgage, RP-5217, TP-584 and deed.
6. The seller's attorney shall pay the school taxes as soon as the \$30,000.00 down
payment check clears.

R & C MULLIGAN CORP.

By Catherine C. Mulligan

CATHERINE C. MULLIGAN, President

Catherine C. Mulligan
CATHERINE C. MULLIGAN

BEATTIE ROAD ASSOCIATES, LLC

By Philip Newman

PHILIP NEWMAN, Member

26. **Captions.** The captions in this Agreement are for convenience and reference only and do not define, limit or describe the scope of the provisions hereof.

27. **Neighbors.** If required by the neighbors and if acceptable by the municipality, the Buyer will install a screening berm during the development process.

28. **Agency.** By execution of this Contract, Seller authorizes Buyer to execute all applications, permits and other related documents relative to the Subdivision of the Property as an Agent for the Seller.

29. **ASSIGNMENT, RECORDING AND LIS PENDENS:** The Buyer shall be authorized to assign this Contract without prior further consent from Seller provided that the Assignee shall be an entity controlled by Philip Neuman. The Buyer shall be authorized to record this contract as a lien against the property without further written consent from the seller.

IN WITNESS WHEREOF, the parties hereto have set their signature as of the day and year first above written

Seller:

R&C MULLIGAN, CORP.

Catherine Mulligan 10/1/01
CATHERINE MULLIGAN Date:

By Catherine Mulligan
CATHERINE MULLIGAN, PRES

Buyer:

BEATTIE ROAD ASSOCIATES, LLC.

By: [Signature] 10/2/01
Philip Neuman, Member Date

Escrowee Acknowledges and Agrees
to be bound by the escrow provisions set
forth in this Contract.

[Signature]
Escrowee



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553-6196

Telephone: (845) 563-4618

Fax: (845) 563-4695

Office of the Building Inspector

DATE: August 15, 2002

TO: PHIL NEUMAN

119 ROCKLAND PLAZA, STE. 150

NANUET, NY 12553

SUBJECT: BUILDING PERMIT APPLICATIONS FOR:

PA2002-0925 - SUBDIVISION - 55-1-42.4

(project)

Dear Applicant:

We have reviewed your Application for Building Permit submitted to our office on August 15, 2002. It has been determined that the project described in this application needs Town of New Windsor Planning Board approval.

We are enclosing a copy of the Referral Tracking Sheet showing the reference number to be used to make an appointment with the Planning Board. **Please contact Myra Mason, Monday-Friday, 8:30 to 4:30, at (845) 563-4615 to make an appointment with the Planning Board and please have the Tracking Sheet available when you call for an appointment.**

We will keep your Building Permit Application "pending" until Planning Board approval has been received. At that time, we will continue our review of your project.

PLEASE NOTE:

APPOINTMENTS FOR THE PLANNING BOARD WILL NOT BE MADE WITHOUT THE TRACKING SHEET NUMBER.

Very truly yours,

Michael Babcock

Michael Babcock
Building Inspector

MB: cm

Cc: Planning Board Office

neuman

[illegible]

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED
AUG 14 2002

PLANNING BOARD

FOR OFFICE USE ONLY:
Building Permit #: 2002-925

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

MR. PHIL NEUMAN

Owner of Premises _____

Address **LANDTECH CONSULTING**
119 ROCKLAND PLAZA, STE. 150, NANUET, NY 10954 Phone **917-734-1639**

Mailing Address **(SAME AS ABOVE)** Fax: **566-0798**

Name of Architect **ADONI ENGINEERING, P.C.**

Address **1662 RT. 300, STE. 110, NEWBURGH, NY 12550** Phone **845-566-0788**

Name of Contractor **Nelson Pierre - contact 845-566-0788**

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder **ENGINEER**

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the SOUTH side of BEATTIE ROAD
(N,S,E or W)
and _____ feet from the intersection of ANN ELIZABETH DRIVE
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N X
3. Tax Map Description: Section 55 Block 1 Lot ST 42.2 42.4
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction. open n. Pierre
a. Existing use and occupancy N/A b. Intended use and occupancy N/A
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒
6. Is this a corner lot? NO Lot Line Chang
5 Lot
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____ Sub-d
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____

Fee \$50

PAID

PLANNING BOARD

CH# 2711

Bldg Insp Examined
Fire Insp Examined
Approved
Disapproved
Permit No. _____

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank List & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 568-4618
(914) 563-4693 FAX

date _____

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

ADONI ENGINEERING, P.C.
1662 RT. 300, STE. 110, NEWBURGH, NY 12550

(Signature of Applicant)

(Address of Applicant)

(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.

RECEIVED

AUG 14 2002

PLANNING BOARD

S

143333

M

R & C Mulligan Corp.
508 Beattie Road
Rock Tavern, New York 12550
845-496-4202

September 29, 2002

Town of New Windsor
Planning Board
555 Union Avenue
New Windsor, NY 12553

Re: R & C Mulligan Property

I am the sole owner of the following tax lot parcels located in the Town of New Windsor and specifically, Beattie Road, Rock Tavern:

| | |
|-------------|---------------|
| 55-1-31 | ~33.66 acres |
| 55-1-33.222 | ~18.89 acres |
| 55-1-34 | ~47.62 acres |
| 55-1-42.4 | ~103.53 acres |

I had been in a development contract of this property, which has subsequently been defaulted on. This excluded my personal residence.

Please be aware that I have not given authority or approval to any individual or corporation for an application to be submitted to the Planning Board for the sub-division of any of these parcels.

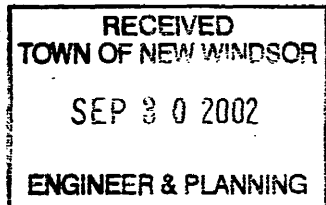
I have given my daughter, Ann Pagliaro, permission to act as my representative regarding this matter and answer any questions you may have. Ann resides at 443 Beattie Road, Rock Tavern and can be reached at 496-5078 (h) or 562-0380 (w).

I appreciate your attention to this matter.

Sincerely,

Catherine C. Mulligan

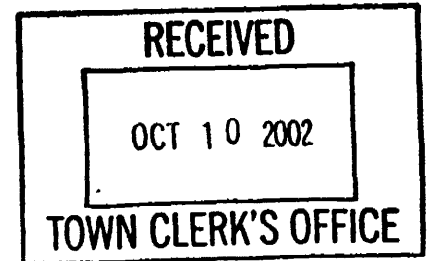
Catherine C. Mulligan/
President R & C Mulligan Corp.





TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670



REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

MULLIGAN SUB - DIVISION

Date Records Requested: 10-10-02

Name: JOHN BERRY

Address: 462 BEATTIE ROAD

Phone: 845 (416) 8117

Representing: SELF

Documents may not be taken from this office.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/04/2005

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 2-36

NAME: BEATTIE ROAD SUBDIVISION PA-2002-0925

APPLICANT: BEATTIE ROAD ASSOCIATES

| --DATE-- | DESCRIPTION----- | TRANS | --AMT-CHG | -AMT-PAID | --BAL-DUE |
|------------|---------------------------|--------|-----------|-----------|-----------|
| 12/17/2002 | REC. CK. #1219 | PAID | | 675.00 | |
| 01/08/2003 | P.B. ATTY. FEE | CHG | 35.00 | | |
| 01/08/2003 | P.B. MINUTES | CHG | 22.50 | | |
| 04/09/2003 | P.B. ATTY. FEE | CHG | 35.00 | | |
| 04/09/2003 | P.B. MINUTES | CHG | 139.50 | | |
| 05/14/2003 | P.B. ATTY. FEE | CHG | 35.00 | | |
| 05/14/2003 | P.B. MINUTES | CHG | 22.50 | | |
| 05/28/2003 | P.B. ATTY. FEE | CHG | 35.00 | | |
| 05/28/2003 | P.B. MINUTES | CHG | 16.50 | | |
| 06/23/2004 | P.B. ATTY. FEE | CHG | 35.00 | | |
| 06/23/2004 | P.B. MINUTES | CHG | 22.00 | | |
| 03/18/2005 | POSTAGE - TO RETURN PLANS | CHG | 6.30 | | |
| 04/26/2005 | P.B. ENGINEER FEE | CHG | 3660.50 | | |
| 05/04/2005 | REC. CK. #232 | PAID | | 3389.80 | |
| | | TOTAL: | 4064.80 | 4064.80 | 0.00 |

Received

gr

5/10/05

R & C Mulligan Corp.
508 Beattie Road
Rock Tavern, New York 12550
845-496-4202

October 4, 2002

Town of New Windsor
Planning Board
555 Union Avenue
New Windsor, NY 12553

Re: R & C Mulligan Property

Att: Myra

Please rescind my letter of September 29, 2002 regarding the submission of an application to the planning board for a subdivision. I am taking this action based on advice of counsel.

My daughter will continue to be my representative.

I apologize for any inconvenience this may have caused and appreciate your attention to this matter.

Sincerely, *Catherine C. Mulligan*

Catherine C. Mulligan/
President R & C Mulligan Corp.

R & C Mulligan Corp.
508 Beattie Road
Rock Tavern, New York 12550
845-496-4202

September 29, 2002

Town of New Windsor
Planning Board
555 Union Avenue
New Windsor, NY 12553

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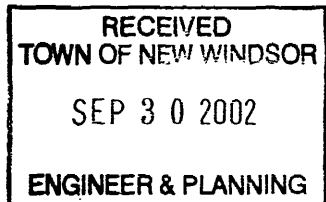
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I appreciate your attention to this matter.

Sincerely,
Catherine C. Mulligan

Catherine C. Mulligan/
President R & C Mulligan Corp.



**DURABLE GENERAL POWER OF ATTORNEY
NEW YORK STATUTORY SHORT FORM
THE POWERS YOU GRANT BELOW CONTINUE TO BE EFFECTIVE
SHOULD YOU BECOME DISABLED OR INCOMPETENT**

(CAUTION: THIS IS AN IMPORTANT DOCUMENT. IT GIVES THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY DURING YOUR LIFETIME, WHICH MAY INCLUDE POWERS TO MORTGAGE, SELL, OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THESE POWERS WILL CONTINUE TO EXIST EVEN AFTER YOU BECOME DISABLED OR INCOMPETENT. THESE POWERS ARE EXPLAINED MORE FULLY IN NEW YORK GENERAL OBLIGATIONS LAW, ARTICLE 5, TITLE 15, SECTIONS 5-1502A THROUGH 5-1503, WHICH EXPRESSLY PERMIT THE USE OF ANY OTHER OR DIFFERENT FORM OF POWER OF ATTORNEY.

THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH CARE DECISIONS. YOU MAY EXECUTE A HEALTH CARE PROXY TO DO THIS.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.)

THIS is intended to constitute a DURABLE GENERAL POWER OF ATTORNEY pursuant to Article 5, Title 15 of the New York General Obligations Law:

I, CATHERINE C. MULLIGAN..... residing at 508 Beattie Road, New Windsor, New York 12553,
(insert your name and address)

do hereby appoint: ANN PAGLIARO..... residing at 443 Beattie Road, Rock Tavern, New York 12575.

(If 1 person is to be appointed agent, insert the name and address of your agent above)

OR RAYMOND P. MULLIGAN..... residing at 387 Museum Village Road, Monroe, New York 10950
~~residing at~~
~~residing at~~

(If 2 or more persons are to be appointed agents by you insert their names and addresses above)

my attorney(s)-in-fact **TO ACT** (If more than one agent is designated, **CHOOSE ONE** of the following two choices by putting your initials in **ONE** of the blank spaces to the left of your choice:)

(X) Each agent may **SEPARATELY** act.

() All agents must act **TOGETHER**.

(If neither blank space is initialed, the agents will be required to act **TOGETHER**)

IN MY NAME, PLACE AND STEAD in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in Title 15 of Article 5 of the New York General Obligations Law to the extent that I am permitted by law to act through an agent:

DIRECTIONS: Initial in the blank space to the left of your choice any one or more of the following lettered subdivisions as to which you **WANT** to give your agent authority. If the blank space to the left of any particular lettered subdivision is **NOT** initialed, **NO AUTHORITY WILL BE GRANTED** for matters that are included in that subdivision. Alternatively, the letter corresponding to each power you wish to grant may be written or typed on the blank line in subdivision **"(Q)"**, and you may then put your initials in the blank space to the left of subdivision **"(Q)"** in order to grant each of the powers so indicated)

- ☐ (A) real estate transactions;
- ☐ (B) chattel and goods transactions;
- ☐ (C) bond, share and commodity transactions;
- ☐ (D) banking transactions;
- ☐ (E) business operating transactions;
- ☐ (F) insurance transactions;
- ☐ (G) estate transactions;
- ☐ (H) claims and litigation;
- ☐ (I) personal relationships and affairs;
- ☐ (J) benefits from military service;
- ☐ (K) records, reports and statements;
- ☐ (L) retirement benefit transactions;

- ☐ (M) making gifts to my spouse, children and more remote descendants, and parents, not to exceed in the aggregate \$10,000 to each of such persons in any year;
- ☐ (N) tax matters;
- ☐ (O) all other matters;
- ☐ (P) full and unqualified authority to my attorney(s)-in-fact to delegate any or all of the foregoing powers to any person or persons whom my attorney(s)-in-fact shall select;
- ☒ (Q) each of the above matters identified by the following letters: "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "N", "O", and "P".

Special provisions and limitations may be included in the statutory short form durable power of attorney only if they conform to the requirements of section 5-1503 of the New York General Obligations Law.)

NONE

Special Additional Provision: The powers granted under (A) through (C) above shall include the sale of a cooperative housing unit and are enlarged so that all fixtures and articles of personal property which at the time of such transaction are which may thereafter be attached to or used in connection with the real or personal property may be included in the agreements or other instruments to be executed and delivered in connection with any transactions and which may be described in said instruments with more particularity. This Power of Attorney is not subject to question because an instrument executed hereunder fails to recite or recites only nominal consideration paid therefore and any person dealing with the subject matter of such instrument may do so as if full consideration had been expressed therein.

his durable power of attorney shall not be affected by my subsequent disability or incompetence.

every agent named above is unable or unwilling to serve, I appoint

N/A

residing at

(insert name and address of successor)

be my agent for all purposes hereunder.

TO INDUCE ANY THIRD PARTY TO ACT HEREUNDER, I HEREBY AGREE THAT ANY THIRD PARTY RECEIVING A DULY EXECUTED COPY OR FACSIMILE OF THIS INSTRUMENT MAY ACT HEREUNDER AND THAT REVOCATION OR TERMINATION HEREOF SHALL BE INEFFECTIVE AS TO SUCH THIRD PARTY UNLESS AND UNTIL ACTUAL NOTICE OR KNOWLEDGE OF SUCH REVOCATION OR TERMINATION SHALL HAVE BEEN RECEIVED BY SUCH THIRD PARTY, AND I FOR MYSELF AND FOR MY HEIRS, EXECUTORS, LEGAL REPRESENTATIVES AND ASSIGNS, HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS ANY SUCH THIRD PARTY FROM AND AGAINST ANY AND ALL CLAIMS THAT MAY ARISE AGAINST SUCH THIRD PARTY BY REASON OF SUCH THIRD PARTY HAVING RELIED ON THE PROVISIONS OF THIS INSTRUMENT.

THIS DURABLE GENERAL POWER OF ATTORNEY MAY BE REVOKED BY ME AT ANY TIME.

IN WITNESS WHEREOF I have hereunto signed my name this 19th day of June, in the year 2000.

(YOU SIGN HERE:) → Catherine C. Mulligan
(Signature of Principal)

CATHERINE C. MULLIGAN

The General Obligations Law § 5-1501 requires that this instrument be acknowledged by the principal. No express provision is made for proof by Subscribing Witness.

ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY – OUT OF STATE EXECUTION WILL REQUIRE USE OF A DIFFERENT FORM:
(New York General Acknowledgment Certificate)

STATE OF NEW YORK, COUNTY OF ORANGE

} ss

On the 19th day of June, before me, the undersigned, personally appeared CATHERINE C. MULLIGAN,

in the year 2000

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to this instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

JOHN E. BACH JR.
NOTARY PUBLIC, State of New York

No. 4526814

Qualified in Orange County

Commission Expires May 31, 2002

STATE OF NEW YORK, COUNTY OF

AFFIDAVIT OF EFFECTIVENESS

} ss:

....., residing being duly sworn does depose and say that I am the Attorney-in-Fact under the above Power of Attorney. That said Power of Attorney is a valid and subsisting Power which has been revoked by the death of the principal(s) or otherwise; that I have no actual knowledge of a revocation of the foregoing Power; and, I warrant and represent that I have full and unqualified authority to execute the [Deed, Mortgage, etc.] knowing that will rely upon the representations made herein as inducement to accept such instrument(s) and this Power of Attorney as evidence of my authority to act.

SWORN AND SUBSCRIBED TO BEFORE ME THIS DAY OF , IN THE YEAR

Attorney in Fact

(Notary Sign above and Affix Stamp at right)

DURABLE GENERAL POWER OF ATTORNEY

(REVISED STATUTORY SHORT FORM)

TITLE No. -

CATHERINE C. MULLIGAN

To

ANN PAGLIARO or
RAYMOND P. MULLIGAN

FIDELITY NATIONAL TITLE INSURANCE

COMPANY OF NEW YORK

INCORPORATED 1928



"Appreciate the Fidelity Difference"

Member New York State Land Title Association

DISTRICT
SECTION
BLOCK

LOT

COUNTY OR TOWN Orange - New Windsor

RECORDED AT THE REQUEST OF

Fidelity National Title Insurance Company of New York

RETURN BY MAIL TO:

JOHN E. BACH JR., ESQ.

P.O. BOX 61

GOSHEN, NEW YORK 10924-0061

SPACE RESERVED FOR USE BY RECORDING OFFICE

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/26/2005

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 2-36

NAME: BEATTIE ROAD SUBDIVISION PA-2002-0925

APPLICANT: BEATTIE ROAD ASSOCIATES

| --DATE-- | MEETING-PURPOSE----- | ACTION-TAKEN----- |
|------------|---|--------------------|
| 04/26/2005 | CLOSING FILE | CLOSED |
| | . CLOSED FILE DUE TO ILLEGAL SUBDIVISION BY DEED PERFORMED BY | |
| | . DEVELOPER PRIOR TO RECEIVING PLANNING BOARD APPROVAL | |
| | . PROJECT REAPPLIED FOR UNDER FILE #05-11 | |
| 06/23/2004 | P.B. APPEARANCE | MEET W/HWY SUPT |
| | . MEET WITH HIGHWAY SUPERINTENDENT AND CORRECT PLANS - MARKS | |
| | . COMMENTS OF 6/23/04 | |
| 05/28/2003 | P.B. APPEARANCE | ND:APPR COND |
| | . ADDRESS MARK'S COMMENTS OF 5/28/03 - NEED OFFERS OF | |
| | . DEDICATION AND DESCRIPTIONS - NEED HIGHWAY APPROVAL | |
| 05/14/2003 | P.B. APPEARANCE | NEED HWY APPR |
| | . NEED HIGHWAY APPROVAL - NEXT AGENDA | |
| 04/09/2003 | P.B. APPEARANCE - PUBLIC HEA | CLOSED PH - RETURN |
| 01/08/2003 | P.B. APPEARANCE | LA:SCHED PH |
| 10/02/2002 | WORK SESSION APPEARANCE | NO SHOW-WITHDREW |
| | . APPLICANT WITHDREW PRESENT PAPERWORK TO BE RESUBMITTED AT A | |
| | . FUTURE DATE. | |
| 09/18/2002 | WORK SESSION APPEARANCE | SUBMIT |
| 09/04/2002 | WORK SESSION APPEARANCE | REVISE & RETURN |
| 08/21/2002 | WORK SESSION APPEARANCE | REVISE & RETURN |

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/26/2005

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 2-36

NAME: BEATTIE ROAD SUBDIVISION PA-2002-0925
APPLICANT: BEATTIE ROAD ASSOCIATES

| --DATE-- | DESCRIPTION----- | TRANS | --AMT-CHG | -AMT-PAID | --BAL-DUE |
|------------|---------------------------|--------|-----------|-----------|-----------|
| 12/17/2002 | REC. CK. #1219 | PAID | | 675.00 | |
| 01/08/2003 | P.B. ATTY. FEE | CHG | 35.00 | | |
| 01/08/2003 | P.B. MINUTES | CHG | 22.50 | | |
| 04/09/2003 | P.B. ATTY. FEE | CHG | 35.00 | | |
| 04/09/2003 | P.B. MINUTES | CHG | 139.50 | | |
| 05/14/2003 | P.B. ATTY. FEE | CHG | 35.00 | | |
| 05/14/2003 | P.B. MINUTES | CHG | 22.50 | | |
| 05/28/2003 | P.B. ATTY. FEE | CHG | 35.00 | | |
| 05/28/2003 | P.B. MINUTES | CHG | 16.50 | | |
| 06/23/2004 | P.B. ATTY. FEE | CHG | 35.00 | | |
| 06/23/2004 | P.B. MINUTES | CHG | 22.00 | | |
| 03/18/2005 | POSTAGE - TO RETURN PLANS | CHG | 6.30 | | |
| 04/26/2005 | P.B. ENGINEER FEE | CHG | 3660.50 | | |
| | | | ----- | ----- | ----- |
| | | TOTAL: | 4064.80 | 675.00 | 3389.80 |

AS OF: 04/26/2005

PAGE: 3

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-36

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 2- 36

FOR WORK DONE PRIOR TO: 04/26/2005

| | | | | | | | | | | -----DOLLARS----- | | | |
|-------------|--------|----------|------|------|-------------------------|-------|------|---------|---------|-------------------|----------|-------|--|
| TASK-NO | REC | --DATE-- | TRAN | EMPL | ACT DESCRIPTION----- | RATE | HRS. | TIME | EXP. | BILLED | BALANCE | | |
| | | | | | | | | | | | | | |
| 2-36 | 238088 | 06/02/04 | TIME | MJE | WS BEATTIE RD SUB | 99.00 | 0.40 | 39.60 | | | | | |
| 2-36 | 239450 | 06/04/04 | TIME | BMM | FI BEATTIE PERCS | 99.00 | 1.50 | 148.50 | | | | | |
| 2-36 | 238958 | 06/08/04 | TIME | CMH | PT PERC TEST | 45.00 | 3.50 | 157.50 | | | | | |
| 2-36 | 239419 | 06/08/04 | TIME | BMM | FI BEATTIE PERCS | 99.00 | 4.00 | 396.00 | | | | | |
| 2-36 | 240178 | 06/16/04 | TIME | MJE | WS BEATTIE RD SUB | 99.00 | 0.40 | 39.60 | | | | | |
| 2-36 | 240604 | 06/22/04 | TIME | MJE | MC BEATTIE RD ASSOC. | 99.00 | 0.80 | 79.20 | | | | | |
| | | | | | | | | | ----- | | | | |
| | | | | | | | | | 860.40 | | | | |
| 2-36 | 240807 | 06/30/04 | | | BILL 04-687 | | | | | -2069.10 | | | |
| | | | | | | | | | | ----- | | | |
| | | | | | | | | | | -2069.10 | | | |
| 2-36 | 243581 | 07/21/04 | TIME | MJE | WS BEATTIE RD ASSOC SUB | 99.00 | 0.40 | 39.60 | | | | | |
| 2-36 | 248719 | 09/13/04 | TIME | MJE | WS BEATTIE RD SUBDIV | 99.00 | 0.40 | 39.60 | | | | | |
| 2-36 | 254651 | 11/10/04 | TIME | MJE | MC ENC/DINARDO RE MULLG | 99.00 | 0.20 | 19.80 | | | | | |
| | | | | | | | | | ----- | | | | |
| | | | | | | | | | 99.00 | | | | |
| 2-36 | 254103 | 11/10/04 | | | BILL 04-1266 | | | | | -79.20 | | | |
| | | | | | | | | | | ----- | | | |
| | | | | | | | | | | -79.20 | | | |
| 2-36 | 264879 | 02/16/05 | TIME | MJE | WS BEATTIE RD SUB | 99.00 | 0.40 | 39.60 | | | | | |
| 2-36 | 264924 | 02/17/05 | TIME | MJE | MC MEMO HK | 99.00 | 0.30 | 29.70 | | | | | |
| 2-36 | 268708 | 03/15/05 | TIME | MJE | MC ENC/DINARDO RE BEATT | 99.00 | 0.20 | 19.80 | | | | | |
| | | | | | | | | | ----- | | | | |
| | | | | | | | | | 89.10 | | | | |
| 2-36 | 268866 | 03/18/05 | | | BILL 05-423 | | | | | -89.10 | | | |
| | | | | | | | | | | ----- | | | |
| | | | | | | | | | | -89.10 | | | |
| | | | | | | | | | ===== | | | | |
| TASK TOTAL | | | | | | | | 3660.50 | 0.00 | -3640.70 | 19.80 | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | ===== | | | | |
| GRAND TOTAL | | | | | | | | | 3660.50 | 0.00 | -3640.70 | 19.80 | |

AS OF: 04/26/2005

PAGE: 2

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWMIN - TOWN OF NEW WINDSOR

TASK: 2- 36

FOR WORK DONE PRIOR TO: 04/26/2005

| TASK-NO | REC | DATE | TRAN | EMPL | ACT DESCRIPTION | RATE | HRS. | TIME | EXP. | BILLED | BALANCE |
|---------|--------|----------|------|------|-------------------------|-------|------|--------|------|---------|---------|
| 2-36 | 209606 | 06/24/03 | | | BILL 03-774 | | | | | -95.00 | |
| 2-36 | 211730 | 07/16/03 | TIME | MJE | WS BEATTIE ROAD ASSOC | 95.00 | 0.40 | 38.00 | | -95.00 | |
| 2-36 | 211843 | 07/23/03 | | | BILL 03-899 | | | | | -199.50 | |
| 2-36 | 214360 | 08/20/03 | TIME | MJE | WS BEATTIE RD ASSOC | 95.00 | 0.40 | 38.00 | | -199.50 | |
| 2-36 | 214867 | 08/25/03 | TIME | MJE | MC DISC BEATTIE W/GM | 95.00 | 0.70 | 66.50 | | | |
| 2-36 | 214857 | 08/27/03 | TIME | MJE | FM BEATTIE RD W/MIELE | 95.00 | 1.50 | 142.50 | | | |
| 2-36 | 216982 | 10/01/03 | | | BILL 03-1187 | | | | | -285.00 | |
| 2-36 | 227430 | 02/04/04 | TIME | MJE | WS BEATTIE RD ASSOC SUB | 99.00 | 0.40 | 39.60 | | -285.00 | |
| 2-36 | 227971 | 02/09/04 | TIME | MJE | MC TC/MIKE MIELE | 99.00 | 0.30 | 29.70 | | | |
| 2-36 | 227978 | 02/10/04 | TIME | MJE | MC TC/DAVE DENDY BEATTI | 99.00 | 0.30 | 29.70 | | | |
| 2-36 | 229350 | 02/23/04 | TIME | MJE | MC RET DENDY DISC BEATT | 99.00 | 0.30 | 29.70 | | | |
| 2-36 | 229288 | 02/26/04 | | | BILL 04-276 | | | | | -99.00 | |
| 2-36 | 236023 | 05/12/04 | TIME | MJE | PM BEATTIE RD SUB W/REP | 99.00 | 0.50 | 49.50 | | -99.00 | |
| 2-36 | 236750 | 05/17/04 | TIME | MJE | MC COORD:BEATTIE PERCS | 99.00 | 0.40 | 39.60 | | | |
| 2-36 | 238516 | 05/18/04 | TIME | BMM | FI PERC TESTS BEATTIE R | 99.00 | 8.50 | 841.50 | | | |
| 2-36 | 238520 | 05/19/04 | TIME | BMM | FI PERC TESTS BEATTIE | 99.00 | 0.50 | 49.50 | | | |
| 2-36 | 238265 | 05/24/04 | TIME | MJE | MC TC/DENDY:BEATTIE SUB | 99.00 | 0.30 | 29.70 | | | |
| 2-36 | 238532 | 05/26/04 | TIME | BMM | FI PERC TESTS BEATTIE R | 99.00 | 2.00 | 198.00 | | | |
| 2-36 | 238955 | 05/26/04 | TIME | CNH | PT PERC TESTS | 45.00 | 2.00 | 90.00 | | | |
| 2-36 | 237517 | 05/24/04 | | | BILL 04-543 | | | | | -118.80 | |

AS OF: 04/26/2005

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 2- 36

FOR WORK DONE PRIOR TO: 04/26/2005

| | | | | | | | | | | -----DOLLARS----- | | | |
|---------|--------|----------|------|------|--------------------------|-------|------|-------|--------|-------------------|---------|--|--|
| TASK-NO | REC | --DATE-- | TRAN | EMPL | ACT DESCRIPTION----- | RATE | HRS. | TIME | EXP. | BILLED | BALANCE | | |
| 2-36 | 189195 | 08/21/02 | TIME | MJE | WS NEUMAN SUB | 88.00 | 0.40 | 35.20 | | | | | |
| 2-36 | 190491 | 09/04/02 | TIME | MJE | WS NEUMAN | 88.00 | 0.40 | 35.20 | | | | | |
| 2-36 | 191331 | 09/18/02 | TIME | MJE | WS BEATTIE RD SUBDIVIS | 88.00 | 0.40 | 35.20 | | | | | |
| 2-36 | 192197 | 09/30/02 | TIME | MJE | MC NEUMAN AUTH ISSUE | 88.00 | 0.40 | 35.20 | | | | | |
| 2-36 | 192335 | 10/02/02 | TIME | MJE | WS BEATTIE RD/NEUMAN | 88.00 | 0.40 | 35.20 | | | | | |
| 2-36 | 194569 | 11/06/02 | TIME | MJE | WS BEATTIE RD (NEUMAN) | 88.00 | 0.40 | 35.20 | | | | | |
| 2-36 | 194573 | 11/08/02 | TIME | MJE | MC TC/BETTE RE NEW APP | 88.00 | 0.20 | 17.60 | | | | | |
| 2-36 | 196298 | 12/04/02 | TIME | MJE | WS BEATTIE RD ASSOC | 88.00 | 0.40 | 35.20 | | | | | |
| | | | | | | | | | 264.00 | | | | |
| 2-36 | 198161 | 12/31/02 | | | BILL 03-182 1/15/03 | | | | | -264.00 | | | |
| | | | | | | | | | | | -264.00 | | |
| 2-36 | 198235 | 01/07/03 | TIME | MJE | MC BEATTIE RD ASSOC SUB | 95.00 | 0.80 | 76.00 | | | | | |
| | | | | | | | | | 76.00 | | | | |
| 2-36 | 200835 | 02/24/03 | | | BILL 03-282 | | | | | -76.00 | | | |
| | | | | | | | | | | | -76.00 | | |
| 2-36 | 202306 | 03/12/03 | TIME | MJE | MC TC/TULLY RE MULLIGAN | 95.00 | 0.30 | 28.50 | | | | | |
| 2-36 | 203812 | 04/02/03 | TIME | MJE | WS BEATTIE RD ASSOC | 95.00 | 0.40 | 38.00 | | | | | |
| 2-36 | 204757 | 04/08/03 | TIME | MJE | MC BEATTIE RD ASSOC | 95.00 | 0.50 | 47.50 | | | | | |
| 2-36 | 205194 | 04/16/03 | TIME | MJE | WS BEATTIE ROAD ASSOC | 95.00 | 0.40 | 38.00 | | | | | |
| 2-36 | 206370 | 05/07/03 | TIME | MJE | WS BEATTIE RD ASSOC | 95.00 | 0.40 | 38.00 | | | | | |
| 2-36 | 206916 | 05/13/03 | TIME | MJE | MC BEATTIE RED ASSOC | 95.00 | 0.50 | 47.50 | | | | | |
| 2-36 | 206918 | 05/14/03 | TIME | MJE | MC BEATTIE RED ASSOC | 95.00 | 0.30 | 28.50 | | | | | |
| 2-36 | 207636 | 05/21/03 | TIME | MJE | WS BEATTIE RD ASSOC SUBD | 95.00 | 0.50 | 47.50 | | | | | |
| 2-36 | 207641 | 05/21/03 | TIME | MJE | MC BEATTIE RD ASSOC SUB | 95.00 | 0.50 | 47.50 | | | | | |
| | | | | | | | | | 361.00 | | | | |
| 2-36 | 207330 | 05/22/03 | | | BILL 03-631 | | | | | -266.00 | | | |
| | | | | | | | | | | | -266.00 | | |
| 2-36 | 209844 | 06/18/03 | TIME | MJE | WS BEATTIE RD ASSOC | 95.00 | 0.40 | 38.00 | | | | | |
| 2-36 | 209848 | 06/18/03 | TIME | MJE | MC TC/TULLY RE MULLIGAN | 95.00 | 0.30 | 28.50 | | | | | |
| 2-36 | 210352 | 06/24/03 | TIME | MJE | MC MC/HK RE BEATTIE ASS | 95.00 | 0.40 | 38.00 | | | | | |
| 2-36 | 210361 | 06/27/03 | TIME | MJE | FI BEATTIE RD ASSOC W/N | 95.00 | 1.00 | 95.00 | | | | | |
| | | | | | | | | | 199.50 | | | | |



REAL PROPERTY TAX SERVICE AGENCY

John I. McCarey, CCD

Director

124 Main Street

Goshen, New York 10924

(845) 291-2498

Edward A. Diana

County Executive

*To: Mark Edsall
Fr: Phil Cothran*

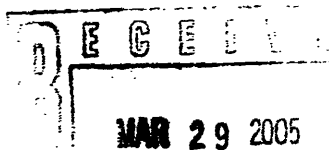
March 25, 2005

Mr. Todd Wiley, Assessor
Town of New Windsor
555 Union Avenue
New Windsor NY 12553

Dear Todd,

As per deeds 11780/1634, 11780/1638, 11780/1642, and 11780/1646 recorded 3/16/05 (see attached), we have reversed our map and records back to section 55 block 1 lot 42.4. See attached map reflecting said change.

If you have any questions or concerns, please call me at 845-291-2496.



Copy: Philip A. ~~Croft~~ Esq.
John McCarey
Eric Ruscher

Sincerely,

Glenn Swenson

Tax Map Coordinator

ORANGE COUNTY TAX MAP DEPARTMENT

124 MAIN STREET, GOSHEN, NEW YORK 10924

NOTICE OF TAX MAP REVISION

MAP: CITY OF _____ TOWN OF: NEW WINDSOR VILLAGE OF: _____

SUB MAP _____

CHANGE

RE: DEED/LIBER 11780 PAGE 1634 AND 1638 RECORDED 03/16/2005
11780 PAGE 1642 AND 1646 RECORDED 03/16/2005

SAME AS ☐

PORTION OF ☐

CORRECTION ☐

OTHER ☒

SUBDIVISION ☐

PRESENT TAX MAP: SECTION 55 BLOCK 1 LOT 42.4

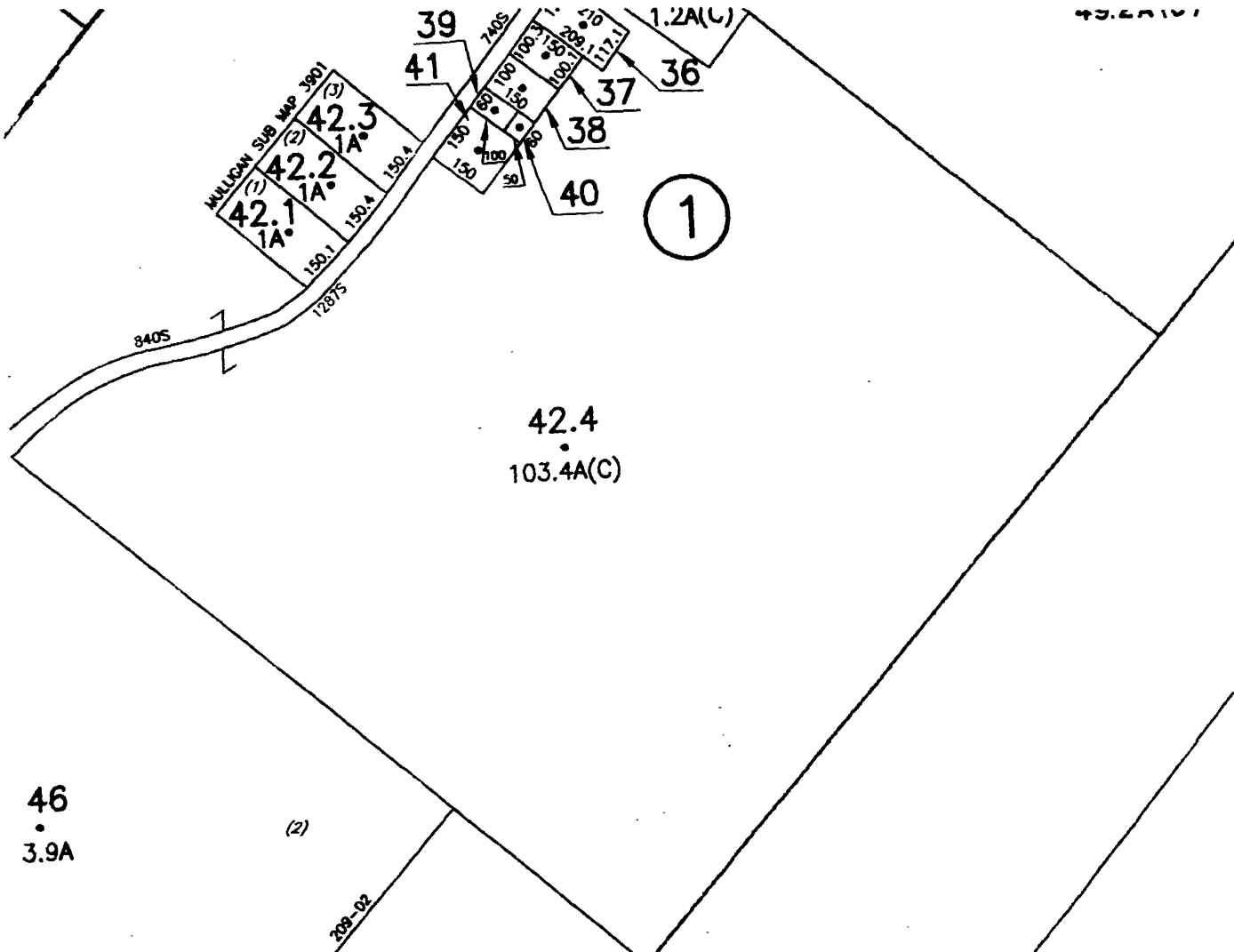
CHANGE TAX MAP: SECTION _____ BLOCK _____ LOT _____

DELETE TAX MAP: SECTION 55 BLOCK 1 LOT 42.41, 42.43, 42.42

EXPLANATION AS PER ABOVE DEEDS AND INTENT REVERSE BACK

TO PARENT PARCEL 55-1-42.4

ON 55-1-42.4 CHANGE COORDS TO (E580717)(N954834)



SCALE: 1" = 400' DATE: 03/25/2005 TG

MAKE CHANGES AS SHOWN IN RED

334800

055 000 0001 042 400 0000

334800

055 000 0001 042 400 0000

Change Or Enter New SWIS, USE DOWN ARROW

Enter SWIS and SBL

Prior 055 000 0001 042 400 0000

Orig 055 000 0001 042 400 0000

0580717

East Coord

Description: REATTIE RD

Name BEATTIE R ASSOCIATES LLC

North Coord 0954834

Address

Assessed 103.4

Section

County

City

Frontage

Depth

King Lot

Sheet District 332002

WASHINGTONVILLE CSD

Notes

| | | | | | |
|--------|-------|------|-------|--|---|
| 122403 | 11325 | 493 | FD036 | | 11780/1642 REVERSES 11746/13 & 11780/1646 REVERSES 11745/1973. SEE 2005 FILE FOR MORE INFORMATION |
| 031605 | 11780 | 1634 | AM003 | | |
| 031605 | 11780 | 1638 | | | |
| 031605 | 11780 | 1642 | | | |
| 031605 | 11780 | 1646 | | | |

Town/City New Windsor

Village

3/25/2005 3:49:18 PM

Roller to Meter

Notes

Post Key

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

American Land, LLC

TO
Beattie R. Associates, LLC

SECTION 55 BLOCK 1 LOT 42.4.1

RECORD AND RETURN TO:
(name and address)

*Beattie R. Associates, LLC
119 Rockland Center #150
Manusct, N.Y. 10954*



THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2289 CHESTER (TN)
2201 CHESTER (VLG)
2489 CORNWALL (TN)
2401 CORNWALL (VLG)
2600 CRAWFORD (TN)
2800 DEERPARK (TN)
3089 GOSHEN (TN)
3001 GOSHEN (VLG)
3003 FLORIDA (VLG)
3005 CHESTER (VLG)
3200 GREENVILLE (TN)
3489 HAMPTONBURGH (TN)
3401 MAYBROOK (VLG)
3689 HIGHLANDS (TN)
3601 HIGHLAND FALLS (VLG)
3889 MINISINK (TN)
3801 UNIONVILLE (VLG)
4089 MONROE (TN)
4001 MONROE (VLG)
4003 HARRIMAN (VLG)
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)
4201 MAYBROOK (VLG)
4203 MONTGOMERY (VLG)
4205 WALDEN (VLG)
4489 MOUNT HOPE (TN)
4401 OTISVILLE (VLG)
4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALLKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)

CITIES
0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS

9999 HOLD

NO PAGES ☒ CROSS REF.
CERT. COPY ☐ ADD'L X-REF.
MAP ☐ PGS.

PAYMENT TYPE: CHECK ☒
CASH ☐
CHARGE ☐
NO FEE ☐

Taxable
CONSIDERATION \$ 0
TAX EXEMPT ☐
Taxable
MORTGAGE AMT. \$ 0
DATE 03/16/2005

MORTGAGE TAX TYPE:
___ (A) COMMERCIAL/FULL 1%
___ (B) 1 OR 2 FAMILY
___ (C) UNDER \$10,000
___ (E) EXEMPT
___ (F) 3 TO 6 UNITS
___ (I) NAT.PERSON/CL. UNION
___ (J) NAT.PER-CLUN/1 OR 2
___ (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: *Beattie R. Assoc., LLC*

RECORDED/FILED
03/16/2005/ 16:34:25
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050029156
DEED C / BK 11780 PG 1634
RECORDING FEES 207.00
TTX# 008787 T TAX 0.00
Receipt#393089 sueay



THIS INDENTURE, made the 18th day of March, 2006

BETWEEN

AMERICAN LAND, LLC, a New York limited liability company with mailing address at 222 Route 9W, Suite 142, Haverstraw, New York 10927

party of the first part, and

BEATTIE R. ASSOCIATES, LLC, a limited liability company with mailing address at 119 Rockland Center # 150, Nanuet, New York 10954

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

Ten Dollars (\$10.00) dollars
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

State of New York, County of Orange, Town of New Windsor, more particularly described in the "Schedule A" attached hereto and made a part hereof.

This conveyance is being made in the ordinary course of business conducted by the party of the first part.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


AMERICAN LAND, LLC

Philip Newman *MANAGING MEMBER*

SCHEDULE "A"

DESCRIPTION

Lot 42.4

All that certain piece or parcel of land, being in the Town of New Windsor, County of Orange and State of New York. Being lot 42.4.1 of Section 55, Block 1 on the Town of New Windsor Tax Maps. And being bounded and described as follows:

Beginning at a point on the Southerly bounds of Beattie Road and the Northwestern corner of lands of Now or Formerly VanLeeuwen, THENCE

Along the Southerly bounds of Beattie Road the following 4 courses and distances

1. N 62°52'15"E 108.04'
2. N 68°45'42"E 90.17'
3. N 79°25'18"E 109.20'
4. N 87°25'20"E 27.27' THENCE:

Along the Southwest bounds of Tax Lot 55-1-42.4.2 the following 3 courses and distances.

1. S 03°35'50"E 32.32'
 2. On a curve to the left having a Radius of 85.00' and a length of 51.46'
 3. S 38°17'04"E 323.47' to the Northwestern bounds of Tax Lot 55-1-42.4.5
- THENCE:

S 51°42'56"W 284.66' to the bounds of now or formerly VanLeeuwen. THENCE:

N 37°29'17"W 512.49' TO THE POINT OR PLACE OF BEGINNING.

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of Rockland ss:

State of New York, County of _____ ss:

On the 16 day of March in the year 2005
before me, the undersigned, personally appeared
Philip Neuman
personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

On the _____ day of _____ in the year _____
before me, the undersigned, personally appeared
personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

Alonso Pardo (signature and office of individual taking acknowledgment) Alonso Pardo (signature and office of individual taking acknowledgment)

Johany Pardo, State of New York
No. 079452000
Qualified in Rockland County
Commission Expires Aug. 28, 2006

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of _____

ss:

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are)
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and
that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,
executed the instrument, and that such individual made such appearance before the undersigned in the

_____ in _____
(insert the City or other political subdivision) (and insert the State or Country or other place the acknowledgment was taken)

_____ (signature and office of individual taking acknowledgment)

DISTRICT
SECTION 55
BLOCK 1
LOT 42.4
COUNTY OR TOWN New Windsor
STREET ADDRESS
Beattie Road

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

Title No. _____
AMERICAN LAND, LLC
TO
BEATTIE R. ASSOCIATES, LLC

Recorded at Request of
Legend Abstract Corp.

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
Legend Abstract Corp.
NY and NJ Title Insurance Agents
15 Third Street
New City, New York 10958
845-834-1488 fax 845-834-1521 www.LegendAbstract.com

BEATTIE R. ASSOCIATES, LLC
119 Rockland Center # 150
Nanuet, New York 10954

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

ORANGE COUNTY CLERK'S OFFICE RECORDING

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

American Land, LLC

TO

Beattie R. Associates, LLC

SECTION 55 BLOCK 1 LOT 42.4.2

RECORD AND RETURN TO:
(name and address)

*Beattie R. Associates, LLC
119 Rockland Center #150
Manuel, N.Y. 10954*



THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2289 CHESTER (TN)
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5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)

CITIES

0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO PAGES 4 CROSS REF.
CERT. COPY ☐ ADD'L X-REF.
MAP ☐ PGS.

PAYMENT TYPE: CHECK ☒
CASH ☐
CHARGE ☐
NO FEE ☐

Taxable
CONSIDERATION \$ 0
TAX EXEMPT ☐

Taxable
MORTGAGE AMT. \$ 0
DATE 03/16/2005

MORTGAGE TAX TYPE:

(A) COMMERCIAL/FULL 1%
(B) 1 OR 2 FAMILY
(C) UNDER \$10,000
(E) EXEMPT
(F) 3 TO 6 UNITS
(I) NAT. PERSON/CL. UNION
(J) NAT. PER-CL. UN/1 OR 2
(K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: *Beattie R. Associates, LLC*

RECORDED/FILED
03/16/2005/ 16:34:25
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050029157
DEED C / BK 11780 PG 1638
RECORDING FEES 207.00
TTX# 008788 T TAX 0.00
Receipt#393089 suesay



THIS INDENTURE, made the 16th day of March, 2005

BETWEEN

AMERICAN LAND, LLC, a New York limited liability company with mailing address at 222 Route 9W, Suite 142, Haverstraw, New York 10927

party of the first part, and

BEATTIE R. ASSOCIATES, LLC, a limited liability company with mailing address at 119 Rockland Center # 150, Nanuet, New York 10954

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

Ten Dollars (\$10.00) dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

State of New York, County of Orange, Town of New Windsor, more particularly described in the "Schedule A" attached hereto and made a part hereof.

This conveyance is being made in the ordinary course of business conducted by the party of the first part.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

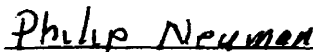
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


AMERICAN LAND, LLC


Philip Newman

MANAGING AGENT

SCHEDULE "A"

DESCRIPTION

Lot 42.4

All that certain piece or parcel of land, being in the Town of New Windsor, County of Orange and State of New York. Being lot 42.4.2 of Section 55, Block 1 on the Town of New Windsor Tax Maps. And being bounded and described as follows:

Beginning at a point on the Southerly bounds of Beattie Road and the Northeast corner of Tax Lot 55-1-42.4.1. THENCE:

Along the Southerly bounds of Beattie Road the following 2 courses and distances

1. N 87°25'20"E 287.07'

2. N 84°51'41"E 46.88' to the Northwest corner of Tax Lot 55-1-42.4.5 THENCE:

Along the Southwest bounds of Tax Lot 55-1-42.4.5 the following 4 courses and distances.

1. S 12°07'33"E 54.14'

2. On a curve to the left having a Radius of 125.00' and a length of 57.07'

3. S 38°17'04"E 101.54'

4. S 51°42'56"W 269.18' to the Easterly bounds of Tax Lot 55-1-42.4.1 THE along Tax Lot 55-1-42.4.1 the following 3 courses and distances.

1. N 38°17'04"W 323.47'

2. On a curve to the right having a Radius of 85.00' and a Length of 51.46'

3. N 03°35'50"W 32.32 TO THE POINT OR PLACE OF BEGINNING.

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of Rockland ss:

State of New York, County of ss:

On the 16 day of March in the year 2005
before me, the undersigned, personally appeared
Philip Neuman
personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

On the day of in the year
before me, the undersigned, personally appeared
personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)

NOTARY PUBLIC
Philip, State of New York
No. 819488873
Qualified in Rockland County
Commission Expires Aug 28, 2011

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of

ss:

On the day of in the year before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are)
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and
that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,
executed the instrument, and that such individual made such appearance before the undersigned in the

(insert the City or other political subdivision) in (and insert the State or Country or other place the acknowledgment was taken)

(signature and office of individual taking acknowledgment)

DISTRICT

SECTION 55

BLOCK 1

LOT 42.4

COUNTY OR TOWN New Windsor

STREET ADDRESS

Beattie Road

Recorded at Request of
Legend Abstract Corp.

RETURN BY MAIL TO:

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

Title No. _____
AMERICAN LAND, LLC

TO

BEATTIE R. ASSOCIATES, LLC

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by
Legend Abstract Corp.
NY and NJ Title Insurance Agents
15 Third Street
New City, New York 10896
845-634-1400 fax 845-634-1521 www.LegendAbstract.com

BEATTIE R. ASSOCIATES, LLC
119 Rockland Center # 150
Nanuet, New York 10954

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

Patriarch Development
Group, LLC

TO

Beattie R. Associates, LLC

SECTION 55 BLOCK 1 LOT 42.4.3

RECORD AND RETURN TO:
(name and address)

Beattie R. Associates, LLC
119 Rockland Center #150
Nanuet, N.Y. 10954



THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2289 CHESTER (TN)
2201 CHESTER (VLG)
2489 CORNWALL (TN)
2401 CORNWALL (VLG)
2600 CRAWFORD (TN)
2800 DEERPARK (TN)
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5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)

CITIES

0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO PAGES 4 CROSS REF. ☐
CERT. COPY ☐ ADD'L X-REF. ☐
MAP ☐ PGS. ☐

PAYMENT TYPE: CHECK ☒
CASH ☐
CHARGE ☐
NO FEE ☐

Taxable
CONSIDERATION \$
TAX EXEMPT ☐

Taxable
MORTGAGE AMT. \$
DATE

MORTGAGE TAX TYPE:

☐ (A) COMMERCIAL/FULL 1%
☐ (B) 1 OR 2 FAMILY
☐ (C) UNDER \$10,000
☐ (E) EXEMPT
☐ (F) 3 TO 6 UNITS
☐ (I) NAT. PERSON/CL. UNION
☐ (J) NAT. PER-CL. UN/1 OR 2
☐ (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Beattie R. Assoc., LLC

RECORDED/FILED
03/16/2005/ 16:34:25
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050029158
DEED C / BK 11780 PG 1642
RECORDING FEES 207.00
TTX# 008789 T TAX 0.00
Receipt#393089 suenay



THIS INDENTURE, made the 16th day of March, 2005

BETWEEN

PATRIARCH DEVELOPMENT GROUP, LLC, 214 Route 59, Suite 222, Suffern, NY 10901

party of the first part, and

BEATTIE R. ASSOCIATES, LLC, a limited liability company with mailing address at 119 Rockland Center # 150,
Nanuet, New York 10954

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

Ten Dollars (\$10.00) dollars
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs
or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the

State of New York, County of Orange, Town of New Windsor, more particularly described in the "Schedule A" attached
hereto and made a part hereof.

This conveyance is being made in the ordinary course of business conducted by the party of the first part.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads
abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all
the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the party of the
premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of
the second part forever.

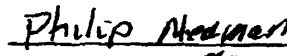
AND the party of the first part covenants that the party of the first part has not done or suffered anything
whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the
first part will receive the consideration for this conveyance and will hold the right to receive such consideration
as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same
first to the payment of the cost of the improvement before using any part of the total of the same for any other
purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so
requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above
written.

IN PRESENCE OF:


Patriarch Development Group, LLC


Managing Member

SCHEDULE "A"

DESCRIPTION

Lot 42.4.3

All that certain piece or parcel of land, being in the Town of New Windsor, County of Orange and State of New York. Being lot 42.4.3 of Section 55, Block 1 on the Town of New Windsor Tax Maps. And being bounded and described as follows:

Beginning at a point on the Southerly bounds of Beattie Road and the Northeast corner of Tax Lot 55-1-42.4.5. THENCE:

Along the Southerly bounds of Beattie Road the following 4 courses and distances

1. N 77°52'27"E 21.21'
2. N 65°13'09"E 92.22'
3. N 55°58'40"E 108.86'
4. N 53°13'32"E 47.02' to the Northwest corner of Tax Lot 55-1-42.4.4 THENCE:

Along the Westerly bounds of Tax Lot 55-1-42.4.4 the following 2 courses and distances.

1. S 35°28'54"E 65.22'
2. S 38°17'04"E 248.57' to the Northerly bounds of Tax Lot 55-1-42.4.5 THENCE
along Tax Lot 55-1-42.4.5 the following 4 courses and distances.

1. S 51°42'56"W 291.31'
2. N 38°17'04"W 274.78'
3. on a curve to the right having a Radius of 75.00' and a Length of 34.24'
4. N 12°07'33"W 51.34' TO THE POINT OR PLACE OF BEGINNING.

State of New York, County of Rockland

38:

State of New York, County of

38:

Charles F. Lane
(signature and office of individual taking acknowledgment)

On the _____ day of _____ in the year _____
before me, the undersigned, personally appeared _____

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

GENIE PACILLA
 Notary Public, State of New York
 No. 014886073
 Qualified in Rockland County
 Commission Expires Aug-28, 2016

State (or District of Columbia, Territory, or Foreign Country) of

352

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

(insert the City or other political subdivision)

(and insert the State or Country or other place the acknowledgment was taken)

(signature and office of individual taking acknowledgment)

DISTRICT

SECTION 55

BLOCK 1

LOT 42.4

COUNTY OR TOWN New Windsor

STREET ADDRESS

Beattie Road

Recorded at Request of
Legend Abstract Corp.

RETURN BY MAIL TO:

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. _____

PATRIARCH DEVELOPMENT GROUP, LLC

TO:

BEATTIE R. ASSOCIATES, LLC

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

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BEATTIE R. ASSOCIATES, LLC
119 Rockland Center # 150
Nanuet, New York 10954

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

Patriarch Development Group, LLC

TO

Beattie R. Associates, LLC

SECTION 55 BLOCK 1 LOT 42.4.4

RECORD AND RETURN TO:
(name and address)

*Beattie R. Associates, LLC
119 Rockland Center, #150
Nanuet, N.Y. 10954*



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ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
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INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2289 CHESTER (TN)
2201 CHESTER (VLG)
2489 CORNWALL (TN)
2401 CORNWALL (VLG)
2600 CRAWFORD (TN)
2800 DEER PARK (TN)
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3489 HAMPTONBURGH (TN)
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3889 MINISINK (TN)
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5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)

CITIES

0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO PAGES 4 CROSS REF. ☐
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MAN# ☐ PGS. ☐

PAYMENT TYPE: CHECK ☒
CASH ☐
CHARGE ☐
NO FEE ☐

Taxable
CONSIDERATION \$ 9

TAX EXEMPT ☐

Taxable
MORTGAGE AMT. \$ ☐
DATE ☐

MORTGAGE TAX TYPE:

(A) COMMERCIAL/FULL 1%
(B) 1 OR 2 FAMILY
(C) UNDER \$10,000
(E) EXEMPT
(F) 3 TO 6 UNITS
(I) NAT. PERSON/CR. UNION
(J) NAT. PER-CR. UN/1 OR 2
(K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: *Beattie R. Assoc., LLC*

RECORDED/FILED
03/16/2005/ 16:34:25
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050029159
DEED C / BK 11780 PG 1646
RECORDING FEES 207.00
TTX# 008790 T TAX 0.00
Receipt#393089 suemay



THIS INDENTURE, made the 16th day of March, 2005

BETWEEN

PATRIARCH DEVELOPMENT GROUP, LLC, 214 Route 58, Suite 222, Suffern, NY 10901

party of the first part, and

BEATTIE R. ASSOCIATES, LLC, a limited liability company with mailing address at 119 Rockland Center # 150, Nanuet, New York 10954

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

Ten Dollars (\$10.00) dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

State of New York, County of Orange, Town of New Windsor, more particularly described in the "Schedule A" attached hereto and made a part hereof.

This conveyance is being made in the ordinary course of business conducted by the party of the first part.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


PATRIARCH DEVELOPMENT GROUP, LLC

Philip Newman Managing Member

SCHEDULE "A"

DESCRIPTION

Lot 42.4.4

All that certain piece or parcel of land, being in the Town of New Windsor, County of Orange and State of New York. Being lot 42.4.4 of Section 55, Block 1 on the Town of New Windsor Tax Maps. And being bounded and described as follows:

Beginning at a point on the Southerly bounds of Beattie Road and the Northeast corner of Tax Lot 55-1-42.4.3. THENCE:

Along the Southerly bounds of Beattie Road the following 3 courses and distances

1. N 53°13'32"E 37.64'
2. N 50°17'25"E 119.38'
3. N 47°27'47"E 140.27' to the Northwest corner of now or formerly Cullen
THENCE:

Along the Southerly bounds of Cullen S 40°56'13"E 326.44' THENCE:

S 51°42'56"W 314.15' THENCE

N 38°17'04"W 248.57' THENCE:

N 35°28'54"W 65.22' TO THE POINT OR PLACE OF BEGINNING.

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of Rockland ss:

State of New York, County of ss:

On the 16 day of March in the year 2005
before me, the undersigned, personally appeared
Philip Neuman
personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

On the day of in the year
before me, the undersigned, personally appeared
personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

[Signature]
(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)

DERRE PADILLA
Notary Public, State of New York
No. 04748866-000
Qualified in Rockland County
Commission Expires Aug-24-2014

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of

ss:

On the day of in the year before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are)
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and
that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,
executed the instrument, and that such individual made such appearance before the undersigned in the

(insert the City or other political subdivision)

in

(and insert the State or Country or other place the acknowledgment was taken)

(signature and office of individual taking acknowledgment)

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

Title No. _____
PATRIARCH DEVELOPMENT GROUP, LLC

TO

BEATTIE R. ASSOCIATES, LLC

DISTRICT
SECTION 55
BLOCK 1
LOT 42.4
COUNTY OR TOWN New Windsor
STREET ADDRESS
Beattie Road

Recorded at Request of
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BEATTIE R. ASSOCIATES, LLC
119 Rockland Center # 150
Nanuet, New York 10954

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Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

17 March 2005

Beattie R Associates
Neuman Enterprises
1 International Blvd. – Room 203
Mahwah, NJ 07495

SUBJECT: BEATTIE R ASSOCIATES SUBDIVISION – BEATTIE RD.
TOWN OF NEW WINDSOR (P.B. APP. 02-36)

Gentlemen:

Enclosed herewith please find your submittal transmitted to us via UPS on 3-15-05 in connection with the subject application before the Planning Board.

The Planning Board was advised by the Orange County Real Property Tax Service Agency that properties which were the subject of this application were split by deed on 27 August 2004. Splitting property by deed is illegal in the Town of New Windsor per Town Code Section 257-20(M).

The Code prescribes that consideration will not be given to properties so illegally subdivided. As per the Board's direction, after you have complied with any and all directions of the Attorney for the Town to resolve/correct this violation, you must reapply to the Planning Board for any consideration of subdivision involving the parcel. For the Board to consider the new application, the former application (02-36) must be properly closed, including payment of any outstanding fees owed.

Very truly yours,

TOWN OF NEW WINDSOR
PLANNING BOARD

Mark J. Edsall, P.E., P.P.

Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW02-36-Closeout-Violation-Ltr-03-17-05



REAL PROPERTY TAX SERVICE AGENCY

John I. McCarey, CCD
Director
124 Main Street
Goshen, New York 10924
(845) 291-2498

Edward A. Diana
County Executive

March 16, 2005

Mr. Todd Wiley
Town of New Windsor Assessor
555 Union Ave.
New Windsor, NY 12553

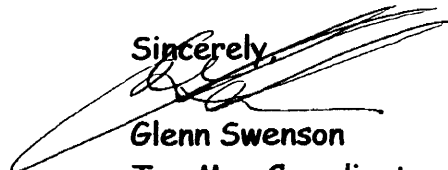
Dear Todd:

As per a conversation with town attorney Mr. Philip Crotty on March 14, 2005, it came to our attention that property split by deeds 11745/1973 & 11746/13 (see attached) is unacceptable. We anticipate a map approved by the Town of New Windsor making this change acceptable.

Please be aware of 11 Op. Counsel SBRPS No. 17 (see attached) which governs our maintenance procedures for Tax Map. Our position as a concerned County office is not to interfere with Town business but to make the Town aware of concerns so action can be taken by local officials.

If you have any questions please call me at 845-291-2496. Thank you.

Sincerely,



Glenn Swenson
Tax Map Coordinator

Copy: James Petro, Chairperson
Philip Crotty, Esq.
Michael Babcock
J. McCarey/E. Ruscher

ORANGE COUNTY TAX MAP DEPARTMENT

124 MAIN STREET, GOSHEN, NEW YORK 10924

NOTICE OF TAX MAP REVISION

MAP: CITY OF _____ TOWN OF: N.W. VILLAGE OF: _____

SUB MAP _____

CHANGE

RE: DEED/LIBER 11746 11745 PAGE 13 1973 RECORDED 2/7/05 2/7/05

SAME AS ☐

PORTION OF ☒

CORRECTION ☐

OTHER ☐

SUBDIVISION ☐

PRESENT TAX MAP: SECTION 55 BLOCK 1 LOT 42.4

CHANGE TAX MAP: SECTION 55 BLOCK 1 LOT 42.42

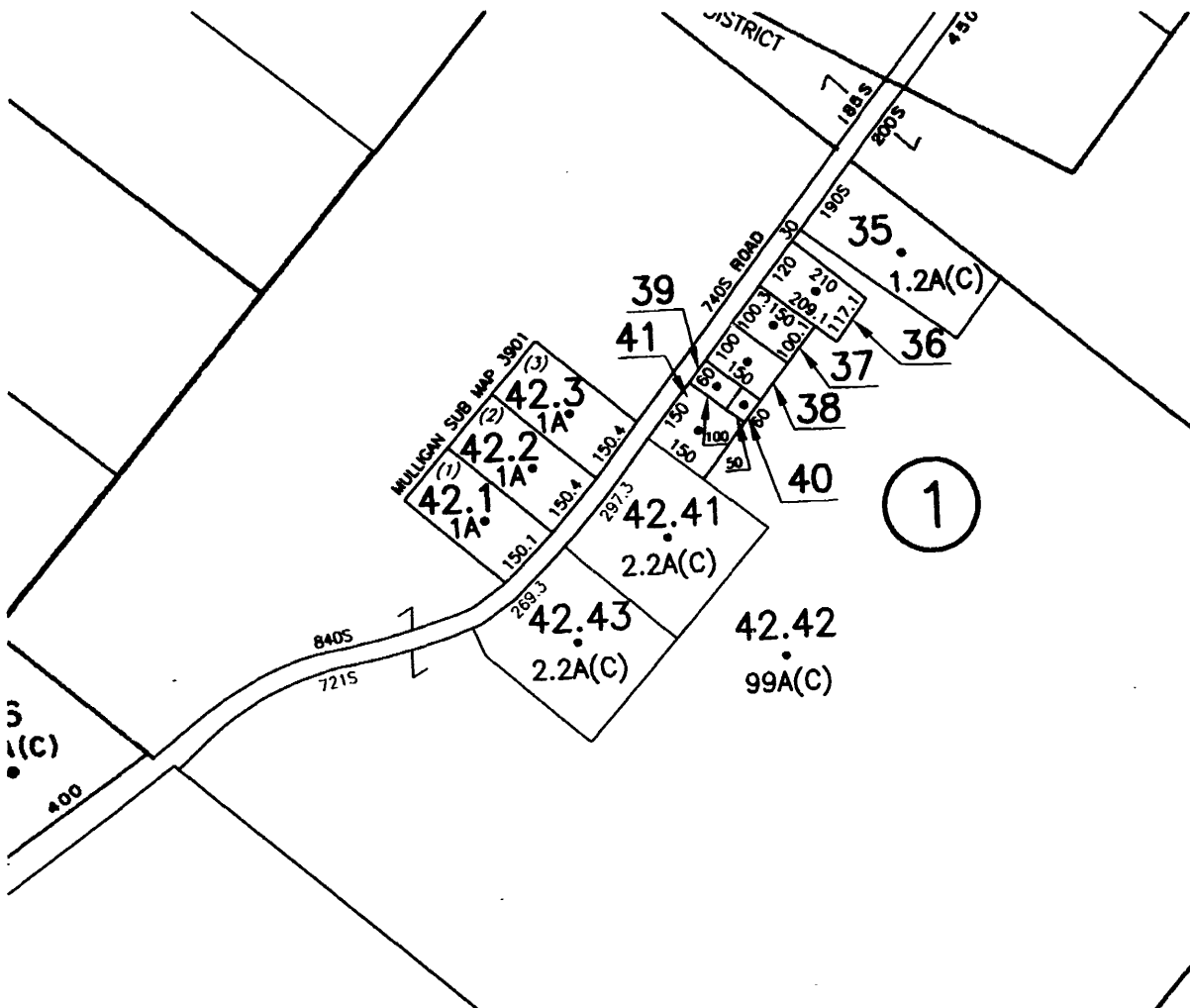
BREAKAWAY TAX MAP: SECTION 55 BLOCK 1 LOT 42.41 & 42.43

EXPLANATION REVISE MAP SHOWN BELOW IN RED CHANGE RECORDS 55-1-42.4

TO 55-1-42.42 BEATTIE ROAD (E580695) (N955066) CHANGE SIZE TO 99 ACRES

CALCULATED. AS PER ABOVE DEEDS YOU WILL RECEIVE NEW RECORDS FOR

55-1-42.41 & 42.43 NO MAP WAS FILED FOR THIS SPLIT. LETTERS WILL BE SENT



SCALE: 1" = 400' DATE: 2/22/05

MAKE CHANGES AS SHOWN IN RED

| | | | | | | | | |
|-----------------------|-----------------------------|----------------|------------------------|---|------------|---------------------|--|--------------------|
| Updated On: 2/23/2005 | | CURRENT RECORD | | 334800 | 55-1-42.41 | Prior Rec | Next Curr Record | Reverse Curr Order |
| 334800 | | | | | | Enter SWIS and SBL | | |
| 334800 | 055 | 000 | 0001 | 042 | 410 | 0000 | Change Or Enter New SWIS, USE DOWN ARROW | |
| Prior | 055 | 000 | 0001 | 042 | 400 | 0000 | Description: | |
| Orig | 055 | 000 | 0001 | 042 | 400 | 0000 | ES BEATTIE RD | |
| Name | PATRIARCH DEVELOPMENT GROUP | | | | | East Coord | | |
| Address | LLC | | | | | North Coord | | |
| | | | | | | 955323 | | |
| City State | | | | | | Zip | | |
| | | | | | | Acreage | 2.2 | Sq Foot |
| | | | | | | Frontage | | Depth |
| | | | | | | Condo | | Irreg. Code |
| | | | | | | Total Dept | | |
| * Deed Recorded * | | | School District | | | Total Dept | | |
| Date | Book | Page | 332002 | | | WASHINGTONVILLE CSD | | |
| | | | Special Districts | | | Notes | | |
| 020705 | 11745 | 1973 | FD036 | DEED 11745/1973 SPLITS OFF THIS 2.2 ACRE PARCEL FROM PARENT PARCEL 55-1-42.4 N/K/A 55-1-42.42. LETTER SENT TO PLANNING BOARD. SEE ACTIVE FILE DRAWER. | | | | |
| | | | AM003 | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | Note Initials | | | | | |
| Return to Main Menu | | | Deed Notes | | | | | |
| Print Key | | | | | | | | |
| | | | Town/City: New Windsor | | | | | |
| | | | Village: | | | | | |
| | | | 2/23/2005 11:14:56 AM | | | | | |

| | | | | | | | |
|---------------------|--------------------------|-----------------|-------------------|------------|---|---------------------|--|
| Updated On | 2/23/2005 | CURRENT RECORD | 334800 | 55-1-42.42 | Prior Record | Next Curr Record | Reverse Curr Order |
| 334800 | | | | | | | Enter SWIS and SBL |
| 334800 | 055 | 000 | 0001 | 042 | 420 | 0000 | Change Or Enter New SWIS, USE DOWN ARROW |
| Prior | 055 | 000 | 0001 | 042 | 400 | 0000 | Description: |
| Orig | 055 | 000 | 0001 | 042 | 400 | 0000 | BEATTIE RD |
| Name | BEATTIE R ASSOCIATES LLC | | | | | | East Coord |
| Address | | | | | | | North Coord |
| City_State | | | | | | | 9550606 |
| Zip | | | | | | | |
| Deed Recorded | | School District | | 332002 | | WASHINGTONVILLE CSD | |
| Date | Book | Page | Special Districts | | Notes | | |
| 122403 | 11325 | 493 | FD036 | | DEEDS 11746/13 (SEE 55-1-42.43) & 11745/1973 (SEE 55-1-42.41) | | |
| | | | AM003 | | EACH SPLIT OFF A 2.2 ACRE PARCEL. | | |
| | | | | | LETTER SENT TO PLANNING BOARD. | | |
| | | | | | SEE ACTIVE FILE DRAWER. | | |
| | | | Note/Initials | | Town/City | | |
| | | | | | Village | | |
| | | | | | New Windsor | | |
| | | | | | 2/23/2005 10:54:30 AM | | |
| Return to Main Menu | | Deed Notes | | | | | |
| Print Key | | | | | | | |

| | | | | | | | | |
|-----------------------|-----------------------------|------------------------|-------------------|---|-------|---------------------|--|-----------------------|
| Updated On: 2/23/2005 | | CURRENT RECORD: 334800 | | 55-1-42.43 | | Prior Record | Next Curr Record | Reverse Curr Order |
| 334800 | | | | | | | | Enter SWIS and SBL |
| 334800 | 055 | 000 | 0001 | 042 | 430 | 0000 | Change Or Enter New SWIS, USE DOWN ARROW | |
| Prior | 055 | 000 | 0001 | 042 | 400 | 0000 | Description: | |
| Orig | 055 | 000 | 0001 | 042 | 400 | 0000 | East Coord | ES BEATTIE RD |
| Name | PATRIARCH DEVELOPMENT GROUP | | | | | North Coord | | |
| Address | LLC | | | | | 580242 | | |
| | | | | | | 955093 | | |
| | | | | | | | | |
| City State | | | Zip | | | Acreage | 2.2 | Sq Foot |
| | | | | | | Frontage | | Depth |
| | | | | | | Irreg. Code | | |
| Deed Recorded | | School District | | 332002 | | WASHINGTONVILLE CSD | | Total Dept |
| Date | Book | Page | Special Districts | | Notes | | | |
| 020705 | 11746 | 13 | FD036 | DEED 11746/13 SPLITS OFF THIS 2.2 ACRE PARCEL FROM PARENT PARCEL 55-1-42.4 N/K/A 55-1-42.42. LETTER SENT TO PLANNING BOARD. SEE ACTIVE FILE DRAWER. | | | | |
| | | | AM003 | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | Note Initials | | | | | |
| Return to Main Menu | | Deed Notes | | Town/City | | Village | | 2/23/2005 11:14:49 AM |
| Print Key | | | | New Windsor | | | | |



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
STATE BOARD OF REAL PROPERTY SERVICES
16 SHERIDAN AVENUE
ALBANY, NEW YORK 12210-2714

11 Op.Counsel SBRPS No. 17

Tax maps (generally)(subdivisions and parcel splits out of compliance with zoning and planning ordinances); Assessments, generally (parcel)(subdivisions and parcel splits out of compliance with zoning and planning ordinances)-Real Property Tax Law, §§502, 503:

An assessor should update tax maps and assessment rolls to reflect subdivided lots, regardless of whether the subdivision received local zoning or planning approval, because a failure to do so could compromise the enforcement of any taxes levied thereon.

We have received an inquiry concerning the maintenance of tax maps (Real Property Tax Law, §503). The issue involves subdivisions of parcels where the parties to the conveyances (i.e., deeds recorded in the County Clerk's Office) have not complied with local zoning and planning ordinances. The question is whether the conveyances should be ignored when updating tax maps and in preparing assessment rolls (e.g., RPTL, §502).

In 10 Op.Counsel SBRPS No. 2, we discussed at length the relevant statutes and the duties of the county director and the assessor in preparing tax maps and deciding what constitutes a particular parcel. That opinion focused on the situation where two or more individually mapped parcels are under single ownership and discussed the considerations to be made in deciding whether to merge the parcels into one on the tax map and assessment roll. Here, the issue centers more on subdivisions or "splits."

It appears that the conveyances meet the requisites to convey title to real property set forth in Real Property Law, section 243. Since the conveyances are evidently facially valid to convey title, the question becomes whether there is any provision of law rendering them invalid or non-recordable. While we have no special expertise regarding real property transactions and recording of

conveyances, we do note that Real Property Law, section 291, imposes on the county clerk a non-delegable duty of recording and indexing written instruments affecting real property (Baccari v. DeSanti, 70 A.D.2d 198, 431 N.Y.S.2d 829 (2d Dept., 1979)). Thus, a county clerk must record a conveyance if the clerk is satisfied that the conveyance meets the requisites set forth in section 291 (which are the same as in §243), subject only to the statutory exceptions for rejecting a conveyance submitted for recording, which are enumerated in Real Property Law, section 333.

Subdivision 1-e of section 333 provides that a conveyance may not be recorded unless it is accompanied by the State Board-prescribed Real Property Transfer Report form (RP-5217) which requires the submission of specified information. Chapter 257 of the Laws of 1993 added to that list a statement as to whether the municipality, in which the parcel being conveyed is located, has a planning board (or other entity which approves subdivisions) and, if so, whether the parcel being conveyed has received such approval or that such approval is not required. However, section 333(1-e)(iv) specifically provides that no conveyance is rendered invalid due to a failure to accurately report the information. Indeed, a review of section 333 indicates that there is no provision authorizing a county clerk to reject a conveyance submitted for recording based on a failure of the grantor or grantee to comply with local zoning or planning or ordinances.

The question then becomes what is the practical effect for assessment administration. The accurate description of property being assessed is essential to the validity of the assessment and, an inaccurate description may undermine enforcement of the lien for unpaid taxes against such parcel (Berzal v. Hyland, 74 A.D.2d 955, 426 N.Y.S.2d 157 (3d Dept., 1980)). That being the case, a failure to update tax maps and assessment rolls to reflect subdivided lots, regardless of whether the subdivision received local approval, could compromise the enforcement of any taxes levied thereon.

This leads to the ultimate question as to how a town can enforce its zoning and planning laws and ordinances. The answer lies in section 268 of the Town Law, which prescribes the available enforcement procedures: injunction and prosecution (see also, Op.State Compt. 77-116). While those issues are beyond our expertise, we note that the Practice Commentaries written to accompany section 268 include the observation that enforcement of compliance with local zoning and planning laws and ordinances can be frustrating and requires "perseverance and commitment" by the town (McKinney's Cons. Laws of N.Y., Book 61, Town Law, §268, 2001 Supplementary Pamphlet, at 254-55). However, the fact remains that

section 268 sets forth the sole enforcement provision available to the town in this regard.¹ An attempt by assessment administrators to effectively ignore subdivisions, which have not received local approval, will merely result in potential tax enforcement problems.

September 17, 2001

1. As observed in Op.State Compt. No. 77-116, other remedies may be pursued by the Attorney General and the State Department of Health.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

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TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

Beattie R. Associates, LLC

TO

Patriarch Development Group, LLC

SECTION 55 BLOCK 1 LOT 42.3

RECORD AND RETURN TO:
(same and address)

Patriarch Development Group, LLC
214 Route 59, Ste. 222
Suffern, NY 10901



THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
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PROPERTY LOCATION

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2001 WASHINGTONVILLE (VLG)
2289 CHESTER (TN)
2201 CHESTER (VLG)
2489 CORNWALL (TN)
2401 CORNWALL (VLG)
2600 CRAWFORD (TN)
2800 DEERPARK (TN)
3089 GOSHEN (TN)
3001 GOSHEN (VLG)
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3200 GREENVILLE (TN)
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0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

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MAP# ☐ PGS.

PAYMENT TYPE: CHECK ☐
CASH ☐
CHARGE ☒
NO FEE ☐

Taxable
CONSIDERATION \$ 200,000.00
TAX EXEMPT ☐

Taxable
MORTGAGE AMT. \$ ☐
DATE ☐

MORTGAGE TAX TYPE:

(A) COMMERCIAL/FULL 1%
(B) 1 OR 2 FAMILY
(C) UNDER \$10,000
(E) EXEMPT
(F) 3 TO 6 UNITS
(I) NAT.PERSON/CL. UNION
(J) NAT.PER-CL.UN/1 OR 2
(K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: *Legend Plus*

RECORDED/FILED
02/07/2005/ 15:56:56
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050014332
DEED C./ BK 11746 PG 0013
RECORDING FEES 207.00
TTX# 007385 T TAX 800.00
Receipt#376094 suemay

| | |
|---------------------------------------|------------------------------|
| ORANGE COUNTY OFFICE OF REAL PROPERTY | |
| SAME AS | <u>55-1-42.43</u> |
| SEE REVISION SHEET | <input type="checkbox"/> TFC |
| OTHER | <input type="checkbox"/> |



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 27th day of August, 2004

BETWEEN

BEATTIE R. ASSOCIATES, LLC, a limited liability company having an office located at 119 Rockland Center, #150, Nanuet, New York 10954

party of the first part, and

PATRIARCH DEVELOPMENT GROUP, LLC., a limited liability company having an office at 214 Route 59, Suite 222, Suffern, NY 10901

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

Ten Dollars (\$10.00) dollars
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Town of New Windsor, County of Orange and State of New York, being more particularly bounded and described on Schedule A annexed hereto.

This conveyance is being made in the regular course of business conducted by the party of the first part.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


BEATTIE R. ASSOCIATES, LLC

SCHEDULE "A" (Description)

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being lot 42.4.3 of Section 55, Block 1 on the Town of New Windsor Tax Maps, and being bounded and described as follows:

BEGINNING at a point on the southerly bounds of Beattie Road and the northeast corner of Tax Lot 55-1-42.4.5; thence;

Along the southerly bounds of Beattie Road the following 4 courses and distances:

1. N 77 degrees 52' 27" E. 21.21'
2. N 65 degrees 13' 09" E 92.22'
3. N 55 degrees 58' 40" E 108.86'
4. N 53 degrees 13' 32" E 47.02' to the northeast corner of Tax Lot 55-1-42.4.4;

Thence along the westerly bounds of Tax Lot 55-1-42.4.4 the following 2 courses and distances:

1. S 35 degrees 28' 54" E 65.22'
2. S 38 degrees 17' 04" E 248.57' to the northerly bounds of Tax Lot 55-1-42.4.5;

Thence along Tax Lot 55-1-42.4.5 the following 4 courses and distances:

1. S 51 degrees 42' 56" W 291.31'
2. N 38 degrees 17' 04" W 274.78'
3. On curve to the right having a radius of 75.00' and a length of 34.24'
4. N 12 degrees 07' 33" W 51.34' to the point or place of BEGINNING.

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of Rockland ss: State of New York, County of ss:

On the 17th day of August in the year 2004
before me, the undersigned, personally appeared
GEORGIA MERKEL, Managing Member
personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

[Signature]
(signature and office of individual taking acknowledgment) (signature and office of individual taking acknowledgment)

DENISE PACELLA
Notary Public, State of New York
No. 014888888
Qualified in Rockland County
Commission Expires Aug. 20, 2006

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of ss:

On the day of in the year before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

(insert the City or other political subdivision) in (and insert the State or Country or other place the acknowledgment was taken)

(signature and office of individual taking acknowledgment)

DISTRICT
SECTION 55
BLOCK 1
LOT 42.4.3
COUNTY OR TOWN NEW WINDSOR
STREET ADDRESS

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

Title No. 9875
BEATTIE R. ASSOCIATES, LLC

TO

PATRIARCH DEVELOPMENT GROUP, LLC

Recorded at Request of
Legend Abstract Corp.

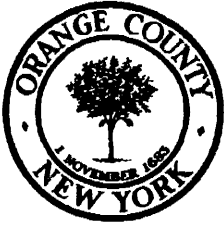
RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by
Legend Abstract Corp.
NY and NJ Title Insurance Agents
15 Third Street
New City, New York 10956
845-634-1400 fax 845-634-1521 www.LegendAbstract.com

PATRIARCH DEVELOPMENT GROUP,
LLC
214 Route 59, Suite 222
Suffern, New York 10901

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



REAL PROPERTY TAX SERVICE AGENCY

John I. McCarey, CCD
Director
124 Main Street
Goshen, New York 10924
(845) 291-2498

Edward A. Diana
County Executive

February 23, 2005

Mr. James Petro, Chairperson
Town of New Windsor Planning Board
555 Union Avenue
New Windsor NY 12553

Re: Property split by deed
Sec 55 blk 1 lot 42.4

Dear Mr. Petro,

As per the Town's request to be notified of property being split by deed, we are attaching a map and deeds reflecting this split. Deeds 11745/1973 and 11746/13 split off parcels as shown in red on attached map as sec 55 blk 1 lots 42.41, 42.42, and 42.43. If everything is acceptable, we will uphold this change.

Please contact me at 845-291-2496 if you find the change unacceptable. Thank you.

Sincerely,

Glenn Swenson
Tax Map Coordinator

Copy: Assessor
Michael Babcock, Bldg. & Zoning Insp.
John McCarey
Eric Ruscher

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

Resaltie R. Associates, LLC

SECTION 42 BLOCK 4 LOT 4.4

RECORD AND RETURN TO:
(name and address)

*Patriarch Development Group, LLC
214 Route 59, Suite 222
Suffern, NY 10901*



TO
Patriarch Development Group, LLC

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

LA-04-9874

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2289 CHESTER (TN)
2201 CHESTER (VLG)
2489 CORNWALL (TN)
2401 CORNWALL (VLG)
2600 CRAWFORD (TN)
2800 DEERPARK (TN)
3089 GOSHEN (TN)
3001 GOSHEN (VLG)
3003 FLORIDA (VLG)
3005 CHESTER (VLG)
3200 GREENVILLE (TN)
3489 HAMPTONBURGH (TN)
3401 MAYBROOK (VLG)
3689 HIGHLANDS (TN)
3601 HIGHLAND FALLS (VLG)
3889 MINISINK (TN)
3801 UNIONVILLE (VLG)
4089 MONROE (TN)
4001 MONROE (VLG)
4003 HARRIMAN (VLG)
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)
4201 MAYBROOK (VLG)
4203 MONTGOMERY (VLG)
4205 WALDEN (VLG)
4489 MOUNT HOPE (TN)
4401 OTISVILLE (VLG)
4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALLKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)

CITIES

0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO PAGES 4 CROSS REF.
CERT. COPY ☐ ADD'L X-REF. ☐
MAP# ☐ PGS. ☐

PAYMENT TYPE: CHECK ☐
CASH ☐
CHARGE ☒
NO FEE ☐

Taxable
CONSIDERATION \$ 200,000.00
TAX EXEMPT ☐

Taxable
MORTGAGE AMT. \$ ☐
DATE ☐

MORTGAGE TAX TYPE:

- ☐ (A) COMMERCIAL/FULL 1%
- ☐ (B) 1 OR 2 FAMILY
- ☐ (C) UNDER \$10,000
- ☐ (E) EXEMPT
- ☐ (F) 3 TO 6 UNITS
- ☐ (I) NAT.PERSON/CR. UNION
- ☐ (J) NAT.PER-CR.UN/1 OR 2
- ☐ (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: *Legend*

RECORDED/FILED
02/07/2005/ 15:31:45
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050014310
DEED C / BK 11745 PG 1973
RECORDING FEES 207.00
TTX# 007384 T TAX 800.00
Receipt#376067 suemay

| | |
|---------------------------------------|-------------------------------|
| ORANGE COUNTY OFFICE OF REAL PROPERTY | |
| SAME AS | <u>55-1-42.41</u> |
| SEE REVISION SHEET | TECH <input type="checkbox"/> |
| OTHER | <input type="checkbox"/> |

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 27 day of August, 2004

BETWEEN

BEATTIE R. ASSOCIATES, LLC, a limited liability company having an office located at 119 Rockland Center, #150, Nanuet, New York 10954

party of the first part, and

PATRIARCH DEVELOPMENT GROUP, LLC., a limited liability company having an office at 214 Route 59, Suite 222, Suffern, NY 10901

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

Ten Dollars (\$10.00) dollars
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Town of New Windsor, County of Orange and State of New York, being more particularly bounded and described on Schedule A annexed hereto.

This conveyance is being made in the regular course of business conducted by the party of the first part.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


BEATTIE R. ASSOCIATES, LLC

SCHEDULE "A"

DESCRIPTION

Lot 42.4.4

All that certain piece or parcel of land, being in the Town of New Windsor, County of Orange and State of New York. Being lot 42.4.4 of Section 55, Block 1 on the Town of New Windsor Tax Maps. And being bounded and described as follows:

Beginning at a point on the Southerly bounds of Beattie Road and the Northeast corner of Tax Lot 55-1-42.4.3. THENCE:

Along the Southerly bounds of Beattie Road the following 3 courses and distances

1. N 53°13'32"E 37.64'
2. N 50°17'25"E 119.38'
3. N 47°27'47"E 140.27' to the Northwest corner of now or formerly Cullen
THENCE:

Along the Southerly bounds of Cullen S 40°56'13"E 326.44' THENCE:

S 51°42'56"W 314.15' THENCE

N 38°17'04"W 248.57' THENCE:

N 35°28'54"W 65.22' TO THE POINT OR PLACE OF BEGINNING.

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of Westchester ss:

State of New York, County of ss:

On the 27th day of August in the year 2004
before me, the undersigned, personally appeared
GERALD MERKEL, Managing Member
personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

On the _____ day of _____ in the year _____
before me, the undersigned, personally appeared _____
personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)

Notary Public, State of New York
No. 0194888400
Qualified in Westchester County
Commission Expires Aug. 28, 2006

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of _____ ss:

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are)
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and
that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,
executed the instrument, and that such individual made such appearance before the undersigned in the

_____ in _____
(insert the City or other political subdivision) (and insert the State or Country or other place the acknowledgment was taken)

(signature and office of individual taking acknowledgment)

DISTRICT
SECTION 55
BLOCK 1
LOT 42.4.4

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

Title No. _____
BEATTIE R. ASSOCIATES, LLC

COUNTY OR TOWN NEW WINDSOR
STREET ADDRESS

TO
PATRIARCH DEVELOPMENT GROUP, LLC

Recorded at Request of
Legend Abstract Corp.

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

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PATRIARCH DEVELOPMENT GROUP,
LLC
214 Route 59, Suite 222
Suffern, New York 10901

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4630
Fax: (845) 563-4692

Attorney for the Town

March 15, 2005

BY CERTIFIED MAIL RRR and REGULAR MAIL

Patriarch Development Group LLC
214 Route 59
Suite 222
Suffern, NY 10901

Re: Illegal Subdivision – Property Split by Deed
Section 55 Block 1 Lot 423.4

Dear Sir:

The Orange County Real Property Tax Service Agency has advised the Town of New Windsor of two parcels which were split by separate deeds on August 27, 2004. The parcels are owned by you at this time. The recording data for the illegal lots is respectively: Book 11745 at page 1973 and Book 11746 at page 13.

Splitting by deed is illegal in the Town of New Windsor under Town Code Section 257-20 (M).

The Town Planning Board will not consider any application relative to any parcel involved in the matter until the illegal act is redressed. I suggest you reassemble the parcel and then re-approach the Town Planning Board.

Very truly yours,


Philip A. Crotty
Attorney for the Town of New Windsor

PAC:cmb

Cc: George J. Meyers, Supervisor
Todd Wiley, Assessor
Mark Edsall, Engineer
✓ James Petro, Chairman P/B
Michael Babcock, Building Inspector



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

☐ **Main Office**
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mheny@mhepc.com

☐ **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF: New Windsor **P/B APP. NO.:** 02-36
WORK SESSION DATE: 15 Sept 04 **PROJECT:** NEW OLD X
REAPPEARANCE AT W/S REQUESTED: N/A **RESUB. REQ'D:** new plan
PROJECT NAME: Beattie Rd Assoc
REPRESENTATIVES PRESENT: Georgia/Dave D.
MUNICIPAL REPS PRESENT: BLDG INSP. X FIRE INSP. _____
ENGINEER _____ PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:

5-lot Major (not healthy)
ck w/ BMM re SDS
separate drives
earb line dashed
ref see note 3

STND CHECKLIST:

DRAINAGE _____
DUMPSTER _____
SCREENING _____
LIGHTING _____
(Streetlights)
LANDSCAPING _____
BLACKTOP _____
ROADWAYS _____
APPROVAL BOX _____

PROJECT TYPE

SITE PLAN
SPEC PERMIT
L L CHG.
SUBDIVISION
OTHER

PROJECT STATUS:

ZBA Referral: Y X N
Ready For Meeting X Y N
Recommended Mtg Date next avail



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mhenry@mhepc.com

☐ Regional Office
507 Broad Street
Millford, Pennsylvania 18337
(570) 298-2765
e-mail: mhpa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF:

New Windsor

P/B APP. NO.:

02 36

WORK SESSION DATE:

21 July 2004

PROJECT: NEW

OLD *X*

REAPPEARANCE AT W/S REQUESTED:

RESUB. REQ'D:

PROJECT NAME:

Beattie Rd Assoc

REPRESENTATIVES PRESENT:

P. Nady / Dave Nady / Georgia

MUNICIPAL REPS PRESENT:

BLDG INSP.
ENGINEER
P/B CHMN

X

FIRE INSP.
PLANNER
OTHER

ITEMS DISCUSSED:

- clearing note 1-1 - Pric. to B/p.
- ck 257
fix #B
- still can read notes/bands.
- need easement for 2
private roads.
Plans still in bad
shape

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT STATUS:

ZBA Referral:

Y *N*

Ready For Meeting

Y *N*

Recommended Mtg Date

PROJECT TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER



June 23, 2004

P.B. # 02-36

NEGATIVE DEC:

M)____S)____VOTE: A____N____

CARRIED: Y_____N_____

CARRIED: Y_____N_____

WAIVED: _____ CLOSED: _____

SCHEDULE P.H: Y____N____

SEND TO DEPT. OF TRANSPORTATION: Y

VOTE: A N

Y N

APPROVED: _____

N

Plans to be signed by their origins
Meet w/ Henry



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE

33 AIRPORT CENTER DRIVE
SUITE 202

NEW WINDSOR, NEW YORK 12553

(845) 567-3100

FAX: (845) 567-3232

E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:

MJE@MHEPC.COM

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: BEATTIE RD. ASSOCIATES (NEUMAN) MAJOR SUBDIVISION
(MULLIGAN PROPERTY)
PROJECT LOCATION: BEATTIE ROAD
SECTION 55 – BLOCK 1 – LOT 42.4
PROJECT NUMBER: 02-36
DATE: 23 JUNE 2004
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 85 +/-
ACRE PARCEL INTO FIVE (5) SINGLE-FAMILY RESIDENTIAL LOTS.
THE PLAN WAS PREVIOUSLY REVIEWED AT THE 8 JANUARY
2003, 9 APRIL 2003, 14 MAY 2003 AND 28 MAY 2004 PLANNING
BOARD MEETINGS.

1. This application is back before the Board for purposes of providing an update regarding the status. As directed by the Town, field testing and other work was performed to verify information on the plan.
2. The property is located in the R-1 Zoning District of the Town. The “required” bulk information must have the following corrections:
 - Net area required is 48,000 sf
 - Both side (total) setback is 80 ft.

In addition, corrections are required to the “provided” values. Note the following:

- At minimum, Lot #5 has subtractions for wetlands and easements. Any other lots affected by subtractions must have the appropriate net lot area indicated.
- All lot widths (lots 1-4) appear incorrect.
- All lot frontage values (lots 1-4) appear incorrect.
- Front yard setback values for lots 2,3 & 4 appear incorrect.
- Side yard setback and total side yard appear incorrect for lots 2,3 & 4.
- Rear yard setbacks appear incorrect for lots 2,3 & 4.

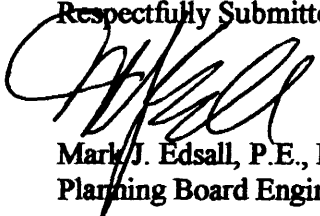
3. I have reviewed the latest plan submitted and have the following additional comments:

REGIONAL OFFICES

• 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

- The applicant should review Chapter 257 (new subdivision regulations) of the Town Code, which was recently adopted. The applicant should review the Chapter, and specifically Article IV, which outlines submittal requirements for plans. All information required by that Article should be included on the plans.
 - Metes and bounds data is hard to follow. Clearly indicated all bearings/values and properly depict limits.
 - Note #1 conflicts with sanitary note #5. Coordinate, and have notes comply with typical town note required.
 - Explain Note #4
 - Note #5 must be reworded as was requested to address either development as a private road or public road.
 - Note #7 refers to sheet 3; there are only two drawings in the set.
 - The plans are not stamped and signed by a licensed surveyor, as is required by State Law.
4. All percolation tests have been performed with a representative of our office witnessing the test. Sanitary designs are depicted on these plans. The designs are still under review.
 5. The Town Highway Superintendent has several concerns regarding this application. The Board should check to see if an approval letter is on file from Mr. Kroll.
 6. The plan proposes a dedication along Beattie Road. At the time of approval, an offer of dedication should be submitted to the Town Attorney.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

BEATTIE ROAD ASSOCIATES SUBDIVISION (03-36)

Robert DiNardo, Esq. appeared before the board for this proposal.

MR. PETRO: Beattie Road Estates, proposed 5 lot residential subdivision. Application proposes subdivision of 85 acre parcel into 5 single family residential lots. The plan was previously reviewed at the 8 January, 2003, 9 April, 2003, 14 May, 2003, 28 May, 2004 planning board meetings. This application is back before the board for the purpose of providing update regarding status regarding field testing. It's an R-1 zone which is a permitted use, required bulk information must have the following corrections, you can get a copy of Mark's comments.

MR. DINARDO: We do, thank you.

MR. PETRO: Correct Mark's comments. Other corrections I'm not going to go through them all why you're wrong, I don't know.

MR. DINARDO: If I could, Mr. Chairman, can I just ask you if the board or any of the consultants can give us a little more guidance on item number 5, which is the highway superintendent's concern regarding the application? This road has been moved once before following a field visit with Mr. Kroll and as far as we know, we have placed it in the location that he preferred, so this one takes us a little bit by surprise. I wonder if you have anything in writing from Mr. Kroll?

MR. PETRO: I just have under review, so you'll have to contact him. I have no clue why that comment is there, we just, we just have under review with no other note.

MR. DINARDO: Under review is number 4 which we'll take up with Mr. Edsall certainly, sanitary design.

MR. PETRO: No, I have on my own sheets here where it says municipal highway approval says under review, sometimes he'll give me direction by saying drainage pipe to be up graded or something of that nature, he has nothing, so I can't answer you. But there are an awful lot of notes from Mark.

MR. DINARDO: Yes and we have had an opportunity to look at them in advance which has been helpful this evening, the two that I think are of serious substance possibly are 4 and 5, the others while they're serious and they need attention they look like they're fairly easily corrected.

MR. PETRO: The one that sticks out I don't understand the plans are not stapled and signed by a licensed surveyor as required by state law, I think I'm going to eventually get to a point that when I see that note that I'm not going to review anything. I cannot understand how frankly you can, somebody can come here and have plans that are not signed by a licensed surveyor before our planning board.

MR. DINARDO: My understanding is that what we do is we provide for the signature but until the plans are in final form and the mylar is being signed, the surveyor doesn't sign it, in other words, if there's going to be a change to it and there will be in this case why sign it then sign it and then sign it again, there's a signature block.

MR. ARGENIO: I don't understand. Let me just back up, you said the only comments that are of substance are 4 and 5, I'm just giving this a cursory review, subtracted for the wetlands easements problem, lot widths appear incorrect, all frontage values 1 through 4 appear incorrect, front yard setbacks for lot 2, 3 and 4 appear to be incorrect, side yard setback and total side yard appear incorrect for lots 2, 3 and 4,

rear yard setbacks appear incorrect for lots 2, 3 and 4 and that's just me reading six bullets.

MR. DINARDO: Maybe I misunderstood what I thought he was saying is that the distances on the map are not consistent with what's shown in the bulk table, I didn't understand incorrect to mean not in compliance with code but not correctly recorded in the bulk table.

MR. ARGENIO: Inconsistent.

MR. DINARDO: Yes, maybe I'm wrong but that's the way I read it.

MR. ARGENIO: You may be right, I think that should be corrected.

MR. DINARDO: Absolutely all of them should.

MR. ARGENIO: Before tonight is my point.

MR. DINARDO: We just got that.

MR. ARGENIO: And I don't want to, it shouldn't be happening, I don't want to ride on Jimmy's coat tails and beat you guys into the ground, but there's a lot going on here. What are we doing, what are you looking for tonight?

MR. DINARDO: I don't think anything. Frankly, these items are serious enough in nature that I don't think we can reasonably ask you for anything.

MR. ARGENIO: Not just that quantitatively they're substantial.

MR. DINARDO: Sure, sure, I was hoping to get a little guidance on the one that really took me by surprise which was the highway, the road business, but Mr. Kroll's not here, you don't have anything in writing

from him but we'll deal with it.

MR. ARGENIO: The guidance is just what the chairman said earlier, you should contact him as Jim said usually we'll get a note that says check the pipe size or needs a culvert, something like that, we don't have the benefit of that.

MR. PETRO: I don't want to be rude but we're done for the night.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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Writer's E-mail Address:

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PLANNING BOARD WORK SESSION

RECORD OF APPEARANCE

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: 02 - 36

WORK SESSION DATE: 16 Feb 2004 PROJECT: NEW OLD X

REAPPEARANCE AT W/S REQUESTED: maybe RESUB. REQ'D: _____

PROJECT NAME: Beattie Rd & Dicklender Ave Assoc

REPRESENTATIVES PRESENT: Bill [unclear] & John C. / Robert Nicholson Esq /

MUNICIPAL REPS PRESENT: cell 590-3540 BLDG INSP. _____ FIRE INSP. _____
ENGINEER X PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED: _____

- sep 2 driv lot 2+3
* pers - resolved? mje
- they are to field verify
light distances FI
- coord via DiNardo

2 COPIES OF PLANS REC'D
mje to have DMH ck
mje red cap to HK

STND CHECKLIST: PROJECT TYPE

DRAINAGE _____ SITE PLAN

DUMPSTER _____ SPEC PERMIT

SCREENING _____ LL CHG.

LIGHTING _____ SUBDIVISION

(Streetlights) _____ OTHER

LANDSCAPING _____

BLACKTOP _____

ROADWAYS _____

APPROVAL BOX _____

PROJECT STATUS:

ZBA Referral: _____ Y _____ N

Ready For Meeting may 4 06 Y _____ N

Recommended Mtg Date TBD



TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 363-4511
Fax: (845) 363-4570

REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

Loft on Bertie/Shaw Rd.
(Mulligan)

Date Records Requested:

6/19/03

Name:

Carli Gilbert

Address:

1 South St

Washingtonville, NY

Phone:

(845) 496-3300

Representing:

Catany & Foley & LAPASA

Documents may not be taken from this office.



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670

OFFICE OF THE TOWN CLERK
DEBORAH GREEN

December 15, 2003

Mr. Thomas Simeti
500 Airport Executive Park – Suite 502
Nanuet, NY 10954

Re: Freedom of Information Request
Dated: December 10, 2003
Beattie Road Associates – File No. 02-36

Dear Mr. Simeti:

Reference is made to your Freedom of Information Request, dated December 10, 2003 requesting copies of comments, action and/or approvals made by the Town of New Windsor Planning Board pertaining to Beattie Road Associates, subsequent to May 28, 2003.

Beattie Road Associates have not been before the Planning Board at a formal meeting since May 28th, they have however been to workshop session(s) of the Planning Board. No formal minutes are taken at workshops, however, comment sheets are maintained. I would suggest that you contact Myra Mason, Planning Board Secretary by calling (845) 563-4615 and schedule a date and time that would be convenient to both to review the file.

Thank you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Deborah Green". The signature is written over a horizontal line.

Deborah Green, Town Clerk/
FOIL Officer
Town of New Windsor

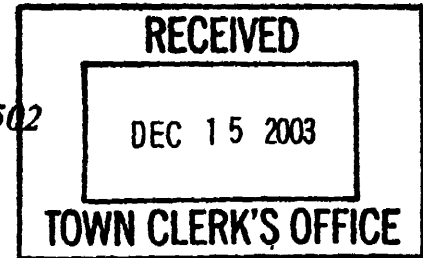
Dg

Cc: Myra Mason, Planning Board Secretary ✓

Law Offices of
THOMAS SIMETI
500 Airport Executive Park - Suite 502
Nanuet, New York 10954

845-425-1277
845-352-3253 (FAX)

*Admitted in New York
and New Jersey*



67 Godwin Avenue
Ridgewood, NJ 07450
Please reply to Nanuet, NY

December 10, 2003

Town of New Windsor
Attn: Town Clerk
555 Union Avenue
New Windsor, New York 12553

Re: *Request for Access to Records pursuant to the Freedom of Information Law*

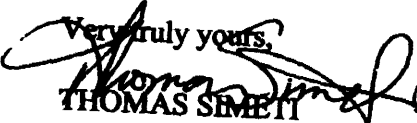
Dear Town Clerk:

Pursuant to the Freedom of Information Law, I am writing to request copies of the following records under **File No. 02-36** pertaining to the application before the Planning Board of **Beattie Road Associates**:

1. Records maintained in the file which reflect any action, comments and/or approvals by or on behalf of the Planning Board *subsequent to the meeting held on May 28, 2003.*

I am aware that the law requires that I remit the sum of \$.25 per page. In this regard, kindly notify me of the fee for copies of any records that are responsive to this request and I will forward a check in the appropriate sum.

Thank you in advance for your time and attention to this matter. If you have any questions, please do not hesitate to contact me at my office in Nanuet.

Very truly yours,

THOMAS SIMETI

TS/mcr

BEATTIE ROAD ASSOCIATES (02-36)

Mr. Michael Miele appeared before the board for this proposal.

MR. PETRO: Proposed five lot residential subdivision. This application proposes subdivision of 85 acres into 5 single family residential lots. The plan was previously reviewed at the 8 January, 2003, 9 April, 2003 and 14 May, 2003 planning board meetings, R-1 zone, permitted use. Two minor corrections, the limit, the 25 foot driveway easements must be depicted and roadway dedication plan of appropriate scale to be prepared. Are you aware of the two comments with Mark?

MR. MIELE: Yes, we went over them at the workshop.

MR. PETRO: Reviewed by the Highway Superintendent and I was aware of what's going on, it's under review, I talked to Mr. Kroll, there's some question as to the sight distance on the entranceway, but he felt it could be resolved with you as the applicant and he didn't want to hold it up here.

MR. LANDER: Lot 1, Mr. Chairman?

MR. PETRO: No, it's not lot 1, it's the road going in. Correct?

MR. MIELE: Correct.

MR. PETRO: That roadway, see the 50 foot right-of-way over here?

MR. LANDER: Yes.

MR. MIELE: Where the temporary driveway easement is for 2 and 3.

MR. PETRO: So I didn't, correct me if I'm saying it wrong, I think it was the wrong information was on the map.

MR. MIELE: To clarify when we shot the sight distances in October, there wasn't any vegetation, any grass in

the right-of-way and the Highway Superintendent had questioned when we were out there, I reviewed the criteria with him and after the meeting last Friday shot them again and they're still well over what's required.

MR. PETRO: Just wanted to verify that but didn't want to hold you up, so what we'll do is, Eric, you don't have any other comments from Mark, do you?

MR. DENEGA: No.

MR. PETRO: Anything to hold it up?

MR. DENEGA: I did speak to Henry briefly yesterday, he thought that he might be receiving some more information about the sight distances and he thought he was asking me if I would look at it if he was able to get it to me sometime today but he never sent anything over so I'm not sure if he never received that information or if he was just okay with it.

MR. LANDER: Was there anything about screening on this on lot 4?

MR. MIELE: We changed the one note previously at the last meeting that there would be no construction and we modified it to say no construction or clearing in the side yard setback.

MR. PETRO: Motion for negative dec.

MR. KARNAVEZOS: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Beattie Road Associates major subdivision. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER

AYE

| | |
|----------------|-----|
| MR. MASON | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: Applicant should submit the descriptions of offers of dedication to the Town attorney, copy to the planning board engineer and to Myra.

MS. MASON: Bring everything to me, let me distribute it.

MR. MIELE: I left a message with the Town attorney, we're having a third map that shows metes and bounds zones.

MR. PETRO: Motion for final approval and I'll do the subject-to's.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Beattie Road Associates subdivision, subject to approval by the Town of New Windsor Highway Department. Is there any further discussion from the board members? Roll call.

ROLL CALL

| | |
|----------------|-----|
| MR. LANDER | AYE |
| MR. MASON | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: Thank you.

MR. MIELE: Thank you very much.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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Writer's e-mail address:

mje@mhepc.com

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: BEATTIE RD. ASSOCIATES (NEUMAN) MAJOR SUBDIVISION
(MULLIGAN PROPERTY)
PROJECT LOCATION: BEATTIE ROAD
SECTION 55 – BLOCK 1 – LOT 42.4
PROJECT NUMBER: 02-36
DATE: 28 MAY 2003
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 85 +/-
ACRE PARCEL INTO FIVE (5) SINGLE-FAMILY RESIDENTIAL LOTS.
THE PLAN WAS PREVIOUSLY REVIEWED AT THE 8 JANUARY
2003, 9 APRIL 2003 AND 14 MAY 2003 PLANNING BOARD
MEETINGS.

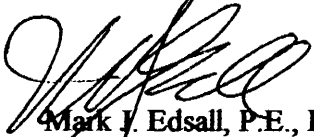
1. The property is located in the R-1 Zoning District of the Town. The “required” bulk information shown is correct for the zone and use. Each lot appears to easily comply with the minimum bulk requirements.
2. I have reviewed the plan with the applicant at the worksession. All my previous comments have been addressed, with the exception of two minor corrections, as follows:
 - The limit of the 25’ driveway easements must be depicted.
 - A roadway dedication plan of appropriate scale is to be prepared.
3. The only outstanding item I am aware of is the review by the Highway Superintendent. It is my understanding that he intends to review the site with the applicant’s engineer, and will advise the Board of his findings.
4. The Board should verify completion of SEQRA, and make a determination regarding the type action this project should be classified under SEQRA, and make a determination regarding environmental significance, if not already done.

REGIONAL OFFICES

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• 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

5. The applicant should submit the descriptions and Offers of Dedication to the Town Attorney (with copy to the Planning Board Engineer), for necessary review.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Mark J. Edsall', written over a horizontal line.

Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE:s

NW02-36-28May03.doc



May 28, 2003

P.B. # 02-36

NEGATIVE DEC:

M) K S) A VOTE: A 5 N 0
CARRIED: Y ✓ N

M)____S)____VOTE: A____N____
CARRIED: Y____N____

PUBLIC HEARING: **WAIVED:**_____ **CLOSED:**_____

M) _____ S) _____ VOTE: A _____ N _____ SCHEDULE P.H.: Y _____ N _____

SEND TO O.C. PLANNING: Y____
SEND TO DEPT. OF TRANSPORTATION: Y____

REFER TO Z.B.A.: M)____S)____ VOTE: A____N____

RETURN TO WORK SHOP: Y___ N___

APPROVAL:

M) AS) L VOTE: A 5 N 0 APPROVED: 5/28/03

NEED NEW PLANS: Y ☒ N ☐

CONDITIONS – NOTES:

Mark's comments of 5/28/03

Offers of seduction & description

BEATTIE ROAD ASSOCIATES (02-36)

Robert DiNardo, Esq. and Mr. Michael Miele appeared before the board for this proposal.

MR. PETRO: Beattie Road Associates proposed 5 lot residential subdivision. Application proposes subdivision of 85 acre parcel into 5 single family residential lots. Plan was previously reviewed at the 8 January, 2003 planning board meeting and is before the board for a public hearing at this meeting.

MR. EDSALL: No, that's an erroneous comment that last one.

MR. PETRO: R-1 zone in the Town, permitted use by law. Each lot appears to easily comply with the minimum bulk requirements. Okay?

MR. DINARDO: Thank you, Robert DiNardo and Michael Miele for the applicant. At the public hearing on April 9, there was some minor comments and the map revisions that were made as a consequence of that, if you'd like, I'll run through them quickly. There was a request by the member of the public to locate the historic elm and place a note on the map to the effect that it will not be disturbed. That has been done. We have also next located the wetlands as was requested. We removed the reference to Phase 2 as was suggested. We have located or labeled Beattie Road on the map. Those are comments that I recall that came out during the hearing. Also 4 comments made by Mr. Edsall in his written review which we have addressed. One he wanted a note to the effect that lot number 5 which is the balance lot is limited to one building permit in spite of the fact that it's on both sides of the road, unless and until further subdivision has been approved, a note to that effect has been placed on the map. The sight distance, a reference to the site distance has been placed on the map as well as a note with respect to the methodology used to compute the sight distance both as Mark Edsall requested and lastly Mr. Edsall's last comment related to amending a bulk requirement which has been done. It's fairly routine and that's it.

MR. PETRO: Well, let's see, we have 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 items from Mr. Edsall.

MR. EDSALL: The difficulty Mr. Chairman we have with this, this application kind of bounced around a bit but most of the comments are map corrections for notes. The only real issue I have is--

MR. DINARDO: Could I perhaps see one?

MR. EDSALL: Sure. The two that I need the board to give me some assistance on last meeting you asked about some clearing restrictions, could you all look at note 4 and tell me if that's adequate or whether or not you wanted something greater than that?

MR. PETRO: Read note number 4.

MR. DINARDO: There shall be no construction in side yard setback of lot 4.

MR. MIELE: That was addressing the issue that one of the people had brought up.

MR. EDSALL: So does that cover enough of the area?

MR. PETRO: He answered that particular issue.

MR. EDSALL: So we'll scratch that as being adequate. And the other one was the location plan which I think we all know where it is by now but you asked for a better location plan, actually the same one.

MR. DINARDO: More detail in terms of surrounding roads?

MR. EDSALL: I know where it is but I'm asking them if you want it improved or you thinks it's adequate?

MR. PETRO: Did you have a licensed surveyor stamp this?

MR. DINARDO: Yes.

MR. PETRO: When did you do that, today?

MR. MIELE: Yes.

MR. PETRO: Applicant should submit descriptions of offers of dedication to the Town attorney with a copy to the planning board engineer for necessary review. You need to do that.

MR. DINARDO: For highway widening strip?

MR. EDSALL: Yes.

MR. DINARDO: That can be done. We have a description, Michael?

MR. MIELE: Yes.

MR. DINARDO: That can be done overnight.

MR. PETRO: And we have highway, it's under review, I do not have an approval from highway so you want to talk to Mr. Kroll, find out what the holdup is. I would suggest this, that we have a second meeting this month, I'll put you first on this meeting, clean up all these items. I know you've already cleaned up a number of them, find out from Mr. Kroll what the problem is so when I look over here, it says approved.

MR. DINARDO: What's the date of the meeting, Mr. Chairman?

MR. PETRO: It's two weeks from tonight. I'll do number 3 at that meeting and we can start number 4 with Andy. I don't see any problem with going forward at that meeting, as long as all these are cleaned up, I just don't want to approve anything with ten items.

MR. BABCOCK: Mr. Chairman, can we go back to note 4 because it says there shall be no construction in the side yard setback of lot 4, that's what the purpose of the side yard setback is, nobody can do construction within the side yard setback, that's the purpose of it.

MR. EDSALL: No clearing.

MR. BABCOCK: Clearing.

MR. PETRO: That's what I'm saying, he can go over, I guess you're just seeing Mark's comments for the first time right now. So I think very easily you can clean these up, but I think they should be done, we don't have highway anyway and you need to address number 4 with the planning board attorney.

MR. DINARDO: And we can get in touch with Mr. Kroll directly?

MR. PETRO: Sure, I don't know what, just says under review, normally, it's not, it doesn't take that long, so I don't know what he's doing, there might be a culvert at an entranceway that he's trying to get sized, I don't want to go into it now, check with him, find out what it is so he can get it here. Okay?

MR. LANDER: What about the site distance on lot 1, Mark?

MR. EDSALL: Excuse me?

MR. LANDER: Do we have sufficient sight distance on lot 1?

MR. EDSALL: They have maximized it because they have taken the drive all the way to the right, that's one of the things that Henry has to look at cause there's clearing required to obtain the sight distance that you're showing but the plan doesn't show where the clearing's occurring, so I think does it show the limits of the clearing?

MR. MIELE: Just showed the area to obtain the sight distance is shown in the area where it needs to be cleared.

MR. EDSALL: Difficulty comes down to when the contractor goes out to do the work, we need to know if they're clearing the entire width of the lot, a third of the lot cause you're not showing it.

MR. MIELE: More specific what needs to be cleared.

MR. EDSALL: Otherwise we have no way of enforcing it in the field.

MR. DINARDO: Specify the limits of the clear area for lot number 1.

MR. EDSALL: Or show the sight line and we know everything forward of that has to be cleared. Mike, is there a chance of getting a set of plans even separate from the workshop so we can get going?

MR. MIELE: Sooner than that?

MR. EDSALL: Whenever you've got them available.

MR. MIELE: By Friday.

MR. EDSALL: Because I'd just as soon get this thing cleaned up and get a revised version to Henry that he can take out into the field.

MR. DINARDO: That makes sense.

MR. MIELE: Friday's okay?

MR. EDSALL: That's fine. Maybe deliver a copy just one to Myra so she's got one in the file in case a question comes up and one directly to myself and Henry, that way we can get this thing taken care of.

MR. MIELE: Is he right on 300 just passed 207?

MR. EDSALL: Yes.

MR. PETRO: Thank you.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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Writer's e-mail address:

mje@mhepc.com

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: BEATTIE RD. ASSOCIATES (NEUMAN) MAJOR SUBDIVISION
(MULLIGAN PROPERTY)
PROJECT LOCATION: BEATTIE ROAD
SECTION 55 – BLOCK 1 – LOT 42.4
PROJECT NUMBER: 02-36
DATE: 9 APRIL 2003
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 85 +/-
ACRE PARCEL INTO FIVE (5) SINGLE-FAMILY RESIDENTIAL LOTS.
THE PLAN WAS PREVIOUSLY REVIEWED AT THE 8 JANUARY 2003
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PUBLIC HEARING AT THIS MEETING.

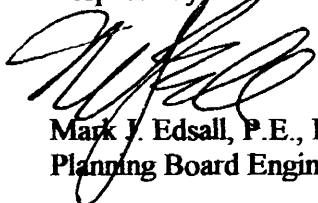
1. The property is located in the R-1 Zoning District of the Town. The “required” bulk information shown is correct for the zone and use. Each lot appears to easily comply with the minimum bulk requirements.
2. I have reviewed my previous comment sheets and meeting notes, and have identified the following open issues:
 - A note was to be on the plan, which required that the driveways for lots 2 and 3 be constructed in the locations shown (can not run directly to Beattie), and that they be connected to the public or private road in such location, when/if the 50' ROW is developed as a roadway.
 - Plan should also have a note that the driveway for lot 1 cannot be relocated (sight distance problem).
 - The plan should more correctly indicate the existence of two individual 25' driveway easements, and reference the lot benefited for each.

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• 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

- Has the Highway Superintendent approved the plan, and reviewed the sight distance values?
 - Note #1 must be rewritten. The designs must be complete at this time, and construction is subject to the supervision of a licensed professional (add typical Town notes).
 - Note #3 should indicate that necessary clearing will be performed prior to building permit, and that a permit must be obtained from the Town Highway Department. Also, since lot #3 driveway adjoins lot #2 driveway, I would conclude that this note should apply to all three lots.
 - Also with regard to the clearing for sight distance, the limits of clearing should be shown on the plans.
 - The Board had asked for clearing restrictions. Does note 4 cover enough?
 - Metes and bounds along property line with Beattie Road are hard to follow. Draft with metes and bounds shown on property line, with turn points indicated (not with drafting leaders as currently shown).
 - The Board had asked for a better location plan. This is the same one as before, is it adequate?
 - Plan must be signed and stamped by an LS, who shall certify to the accuracy of the boundary and new lot lines.
3. The Planning Board may wish to make a determination regarding the type action this project should be classified under SEQRA, and make a determination regarding environmental significance.
 4. The applicant should submit the descriptions and Offers of Dedication to the Town Attorney (with copy to the Planning Board Engineer), for necessary review.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW02-36-14May03.doc

DISCUSSION

BEATTIE ROAD ASSOCIATES

Robert DiNardo, Esq. appeared before the board for this proposal.

MR. PETRO: You want to talk about a subdivision?

MR. DINARDO: If we can, yes.

MR. PETRO: Do we have, we do not have a proxy for you to represent the owners of the property, therefore, you know what I'm going to say, obviously, you cannot represent the owners of the property at an open meeting with the New Windsor Planning Board because legally, you don't have a right to represent them.

MR. DINARDO: Mr. Chairman, I today received a letter from the attorney for the owners, the Mulligans, I gave Myra and your attorney and engineer a copy, just got it this afternoon by fax reinstating the proxy that had been given originally and then had been withdrawn and now has been reinstated, just delivered that today.

MR. PETRO: I don't doubt what you're saying, I have to go with what the planning board secretary says and she says she does not have it. I suggest that you get it straightened out and once that's straightened out--

MR. DINARDO: I was referring to what I handed you tonight, I thought I gave you a copy of it.

MS. MASON: I have nothing.

MR. EDSALL: I got one copy, it's dated tomorrow so it really hasn't happened yet.

MR. DINARDO: I apologize, I thought I gave it to you.

MR. KRIEGER: I have one.

MR. DINARDO: You were busy, I guess I missed you.

MR. PETRO: Let's get it done properly and we'll hear

you at the next meeting.

MR. DINARDO: On the 26th?

MR. PETRO: If you're prepared and you have plans and the application's a hundred percent correct.

MR. BABCOCK: Well, Jim, this will be a public hearing, that's got to be notified and got to be advertised in the paper, we're not going to set a date tonight when everything's done, the 26th is not the date.

MR. PETRO: No, we can't guarantee you a date. When you're prepared and we're prepared, you'll be on that agenda, whatever that agenda is. I can't give you a date.

MR. DINARDO: I appreciate that and I confess I'm filling in for someone else, there's a little confusion on our part, just if you can and I guess Myra can or hope you all can, what's the present status? There's been some confusion as to whether or not this application has any approvals to date. Has a public hearing ever been held?

MR. EDSALL: No.

MR. DINARDO: So we're--

MR. BABCOCK: It's been advertised that it's been held but it has not been held.

MR. DINARDO: We're at the public hearing for preliminary stage?

MR. EDSALL: Right.

MR. DINARDO: And can we be on the agenda for discussion on the 26th or do you need maps and if so, by when?

MR. EDSALL: The authorization has already been given for the public hearing, just a matter when it's ready it will be on.

MR. DINARDO: Just a matter of scheduling it, we'll coordinate with Myra?

MR. DINARDO: Yes.

MR. PETRO: Before you go, I've got to ask you something, are you people out here the owners of the property, anybody here?

MS. MULLIGAN: My name is Carolyn Mulligan, Catherine Mulligan who is the owner is my mother-in-law and as of yesterday, I know she had not given back the proxy, I really am not aware of anything that has taken place.

MR. BABCOCK: That's the problem, Jim, you know what I mean?

MR. PETRO: So I would suggest that you straighten it out first and then we'll move forward with the town, it's too confusing. Thank you.

MR. LANDER: Should I ask who scheduled the public hearing?

MR. MIELE: Mike Miele. I sent out the first announcement based on client's intention that everything would be resolved in time to get the plans and have everything arranged which didn't happen and which I apologize for.

MR. LANDER: I just wondered now how it got scheduled.

MR. EDSALL: You have to coordinate the dates with Myra, the applicant doesn't have the right to just set a date and send out notices.

MR. KRIEGER: I would say before we leave with respect to the proxy, now I have, I see this letter here and I hear something different from somebody purporting to be Catherine Mulligan's daughter-in-law, without a document signed by Catherine Mulligan herself which would clear this up, I don't see how this thing can be resolved.

MR. PETRO: I think she said she was unsure.

MR. KRIEGER: If she's unsure, I'm unsure. The only way to resolve to be sure is to adhere to the proxy procedure that we originally had and have a proxy signed by her. The statute doesn't talk about proxies, our statute talks about agents. If an agent is a person who's designated by the owner to be their agent and we have come up with this and correctly so that a proxy procedure in order to prove agency there's now been a considerable cloud put on it, all the back and forth here and yes and no and I'm not sure and there's only one clear way to establish agency and that is to file a proxy.

MR. DINARDO: We have no problem with that. I think that's a good idea, we'll tend to it.

MR. MINER: I've got a question. I'm Robert Miner, I own the apple farm east of this project. This is the second notice I've gotten and nothing's happened. What's going on?

MR. PETRO: Well, you just heard it.

MR. MINER: I got something from the planning board here, how come you're sending them out and it's not going to happen? How come you don't know what's going to happen?

MR. LANDER: Can we see that?

MR. MINER: This is the second one I've gotten from this outfit.

MR. PETRO: The applicant sent it out, we never authorized it to be sent out.

MR. MINER: How come it's kind of on your paper or whatever?

MR. EDSALL: Myra, is that form in the application package?

MS. MASON: Yes.

MR. EDSALL: We should take it out.

MS. MASON: Actually, I think I have now, there's been a lot of changes made to the application.

MR. MINER: I came down and wanted to look at the map the last time and I didn't look at it then, I got this one about two days ago, I never did get back to look at the map, but I came down tonight and I mean--

MR. PETRO: Well, it's in the form, that's why. Are you across from the soccer field?

MR. MINER: Yes.

MR. PETRO: We apologize that you came for no reason. What happened is it's part of the package.

MR. MINER: How will I know when it gets sent from you?

MS. MASON: Unfortunately, it will look just like that, just that we verified that they were mailed, it's verified by us.

MR. KRIEGER: My suggestion is call the secretary and verify.

MR. MINER: But the thing that led me astray was Mahwah New Jersey, that's not here.

MR. DINARDO: We don't have your envelopes. That would help, I assume.

MR. ARGENIO: I think the attorney's right, Mr. Miner, next time in lieu of the confusion that's here when you get the notice next time just call Myra the secretary of the planning board just to confirm so you don't make a trip. I'd be annoyed if I made a trip as well and nothing happened.

MR. BABCOCK: And I think we're all on board tonight that this will take place when the time is ready and Myra will witness it and be sent out. The next one that you get should be the official one.

March 12, 2003

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MR. MINER: Thank you.

MR. EDSALL: No more false starts.

MR. ARGENTIO: Sorry for the confusion.



TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
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MAY 21 2003

TOWN CLERK'S OFFICE

REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

508 Beathre RD Rock tavern ny
Sub division permit

Date Records Requested: 5/22/03

Name: RAY MULLIGAN

Address: 387 Museum Village RD
monroe ny 10950

Phone: (845) 783-9021

Representing: _____

Documents may not be taken from this office.



May 14, 2003

P.B. # 02-36

NEGATIVE DEC:

M)____S)____VOTE: A____N____
CARRIED: Y____N____

M)____S)____VOTE: A____N____
CARRIED: Y____N____

PUBLIC HEARING: **WAIVED:**_____ **CLOSED:**_____

M) _____ S) _____ VOTE: A _____ N _____ SCHEDULE P.H.: Y _____ N _____

SEND TO O.C. PLANNING: Y____
SEND TO DEPT. OF TRANSPORTATION: Y____

REFER TO Z.B.A.: M) S) VOTE: A N

RETURN TO WORK SHOP: Y___N___

APPROVAL:

M) S) VOTE: A N APPROVED:

NEED NEW PLANS: Y N

CONDITIONS – NOTES:

Need Highway

Put on 5/28/03 Agenda - First on Agenda



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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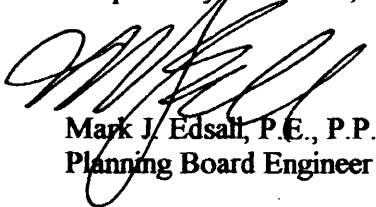
Writer's e-mail address:
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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: BEATTIE RD. ASSOCIATES (NEUMAN) MAJOR SUBDIVISION
(MULLIGAN PROPERTY)
PROJECT LOCATION: BEATTIE ROAD
SECTION 55 – BLOCK 1 – LOT 42.4
PROJECT NUMBER: 02-36
DATE: 9 APRIL 2003
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 85 +/-
ACRE PARCEL INTO FIVE (5) SINGLE-FAMILY RESIDENTIAL LOTS.
THE PLAN WAS PREVIOUSLY REVIEWED AT THE 8 JANUARY 2003
PLANNING BOARD MEETING AND IS BEFORE THE BOARD FOR A
PUBLIC HEARING AT THIS MEETING.

1. The property is located in the R-1 Zoning District of the Town. The “required” bulk information shown is correct for the zone and use. Each lot appears to easily comply with the minimum bulk requirements. We noted in the previous review that some bulk table corrections are needed; we have not received a new plan for this application (corrections are still needed).
2. In my 8 January 2003 comments, I noted several areas of concern. These remain “open” items. These comments should be addressed on the next plans submitted.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW02-36-09Apr03.doc

REGIONAL OFFICES

- 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •



TOWN OF NEW WINDSOR

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cc: P/B

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APR 29 2003

TOWN CLERK'S OFFICE

REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

minutes for 4/9/03
planning board

Date Records Requested: 4/29/03

Name: Patricia Chippendale

Address: 458 Beattie Road

Rock Tavern, NY. 12575

Phone: (845) 496-5610

Representing: _____

Pl 6.75 27 pages

Documents may not be taken from this office.

DISCUSSION - BEATTIE ROAD ASSOCIATES

MR. KARNAVEZOS: Andy and I were just talking before Mulligan properties or whatever it was, weren't they the people that set, there was a letter that they said that they had power of attorney of that property?

MR. BABCOCK: Yes.

MR. KARNAVEZOS: Did we ever get that straightened out?

MR. BABCOCK: Yes.

MR. KRIEGER: It wasn't for a while, it is now because what I told them to do is go get a new proxy which they did.

MR. KARNAVEZOS: I thought that this all went on and we never--

MR. ARGENIO: We didn't have proxies.

MR. KRIEGER: No, you may have noted on the agenda a long time between the last time they were here and now.

MR. KARNAVEZOS: No, they were here.

MR. KRIEGER: They were here in January that was I mean the long time for review. What happened on January 8 was before the present attorneys were advising them when they hired new counsel that's the last time they came in, it wasn't a review of the plans, just conference and introduction and then they were told by their new attorney it would be necessary to get a new proxy because it would--

MR. PETRO: You're satisfied at this time?

MR. KRIEGER: Yes.

MR. BABCOCK: They wouldn't have been on the agenda if they weren't.

MR. KARNAVEZOS: Just didn't pick that up because I thought it was either the last meeting or the meeting

April 9, 2003

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before.

MR. ARGENIO: I think what Mike said is the appropriate thing if that wasn't resolved they wouldn't even hit the headlines for tonight, right?

MR. KARNAVEZOS: Just struck me and I don't feel that we thought about it.

BEATTIE ROAD ASSOCIATES (03-36)

Mr. Mike Miele appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of 85 acre parcel into 5 single family residential lots. Plan was previously reviewed at the 8 January, 2003 planning board meeting and is here tonight for a public hearing. R-1 zone which is a permitted use in the zone. We noted in the previous review that some of the bulk requirements on the plan need to be corrected and I guess corrections are still needed?

MR. EDSALL: I never got the new plan so same comments as last time.

MR. PETRO: Why don't you just go over it quickly, tell us what you're doing, then I want to go to Mark.

MR. MIELE: It's an 80 plus acre tax lot being subdivided by Beattie Road. We're breaking it up into a 5 lot subdivision, 4 lots roughly 2 plus acres and a remaining--

MR. PETRO: What's the smallest lot?

MR. MIELE: Two acres.

MR. PETRO: Mark, what comments weren't addressed since the last meeting, you said the open items that we had last time are still open?

MR. EDSALL: There was some comments relative to the sanitary systems, I believe some bulk table corrections, couple notes that needed to be added to the plan, nothing of any significance that would affect the layout of the plan, unless there's problems with the sanitary systems.

MR. MIELE: We submitted plans. One note was you wanted the criteria for lot line change or sight distance to be included, one of the bulk requirements we updated.

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MR. EDSALL: Nothing of any significance to affect the layout of the plan.

MR. PETRO: Where is the sight location on this, Mark, is it right, where is it on Beattie Road?

MR. EDSALL: Hard to describe.

MR. PETRO: Just on a section of Beattie Road, right? It's not showing us here.

MR. EDSALL: No, it would be helpful to have a location plan, it says on here about 1.2 miles in from 207.

MR. PETRO: Okay.

MR. LANDER: Where is the nearest street, nearest street to the subdivision?

MR. MIELE: Approximately this way maybe half mile, quarter of a mile, it's Shaw Road.

MR. PETRO: We don't have anything back from Highway either Mark?

MR. LANDER: Because we don't know whether this is on a turn, whether--

MR. PETRO: Here on one of his comments at the last meeting sight distance shown for the proposed driveway locations, I have not yet had an opportunity to review these with the highway superintendent and we don't have any comment back.

MR. LANDER: For driveway locations but where this is emptying out on Beattie Road we don't know where it is.

MR. ARGENIO: Yes, it's, they're right near the black dot on the end of the road on the right. See it?

MR. MIELE: What's the question again?

MR. ARGENIO: The indication for the sight distance for the 50 foot right-of-way for the last lot, do you see it, Ronny, on the right side there?

MR. LANDER: Right.

MR. ARGENIO: 550 and 800.

MR. LANDER: Right.

MR. PETRO: Looks like the public is anxious, so can everybody have a seat please? We'll open it up. This is a public hearing, we're going to open it up at this time. On the 25th day of March, 2003, 17 addressed envelopes containing the public notice for the public hearing were mailed out. If someone is here who'd like to speak for or against the application, be recognized by the Chair, come forward, state your name and address and your concerns. Would someone like to speak?

MR. CULLEN: My name is Mike Cullen, I live at 454 Beattie Road.

MR. PETRO: Your concern?

MR. CULLEN: I have four quick concerns, three quick ones. The first one is there's a rare American elm along lot 1 right along the road frontage and I think they should try to save this, as you know, Dutch elm disease wipes out most of the elms, right along the road. The second comment I have is I want to ensure that the board makes the applicant follow all, exercise all caution for in regards to the wetlands protection, there's a New York or State wetland over down to the southern corner of the large lot and I think there's a Federal wetlands that infringe on lot 1.

MR. MIELE: Down here or on this piece?

MR. CULLEN: There's a Federal wetlands right in here.

MR. PETRO: Mark, have you reviewed that at all?

MR. EDSALL: No, they have discussed with us the fact that they have to depict all wetlands on the plan that affects the subdivision. Now, obviously, if there's wetlands in areas that they're not proposing for development at this time, we may not get involved with

that at this point. If they come back for resubdivision, we'll deal with it when they're impacting those areas that are affected.

MR. PETRO: You're saying it's impacting one of the lots now?

MR. CULLEN: Yes, there's a Federal wetland that infringes right onto lot 1.

MR. MIELE: Where the lot is or where the house is?

MR. CULLEN: Right where the lot is.

MR. PETRO: I'll tell you what, let's not spend a lot of time on it, depict the Federal wetlands, you have an overlay map that you can get ahold of, plot it on this.

MR. MIELE: It's about right here.

MR. PETRO: Plot it on there so we can see it. Is it on there now?

MR. ARGENIO: It's not on there.

MR. CULLEN: State and Federal wetlands?

MR. MIELE: They weren't delineated. It shows an area wet but it's nowhere near where we're planning to disturb, that's why I didn't have it delineated.

MR. PETRO: I know but it's on the lot, he's right, let's put it on the map, show it on that site. Mark, just review it, okay, and make sure we have all the necessary setbacks.

MR. MIELE: They're not delineated but I have no problem showing it on the map.

MR. CULLEN: Third comment is pertaining to lot 4 which is adjacent to my structure, residence, I'd like to request if they can put a note on the plans that the proposed driveway and structure cannot be relocated any closer to the existing residential neighborhood to the north, in other words, follow the plan as it's sketched

and not get changed.

MR. PETRO: Well, you see that dotted line on the map? There's a dotted line that goes around that lot, that's the envelope that they can build in. We wouldn't have the right to tell them to change that. If they're within that envelope on that site, they're within all the setbacks set by law for the perimeter of their lot, so they can build anywhere they want in that area. Now this is going to be serviced by septic and well?

MR. MIELE: Yes.

MR. PETRO: I'm sure that they're going to need separation for those too so kind of be reasonable that they couldn't really be too far to one side because you need a separation between the well and septic because naturally it happens that the house is going to be somewhere approximately where it is, you couldn't put it way down in the corner.

MR. CULLEN: Assuming they did all that kind of work, I assume it would be pretty close to where it is now, right?

MR. PETRO: I would think so.

MR. CULLEN: Not drastically altered?

MR. PETRO: No.

MR. LANDER: Just from the topo on the map, they don't have a lot of movement with their separations.

MR. CULLEN: Okay. Pertaining to the same concept, I request that the building heights comply with the code requirements and no exceptions, I believe it's 35 feet.

MR. PETRO: They'd have to do that, otherwise, they'd be looking for a variance, which I don't think they'd get, they're not even proposing that.

MR. CULLEN: I'd like to request that any and all outdoor lighting, whether it's street lighting or residential lighting be utilized downlighting fixtures

to mitigate any light pollution.

MR. PETRO: I don't think there's any lighting on the homes. You're talking about in the street itself?

MR. CULLEN: Any street lighting down the line and/or any residential lighting, no spotlights shining out.

MR. PETRO: There's guidelines for the streetlighting, right?

MR. EDSALL: I don't believe there's any streetlighting here. In any case, they're not proposing any public improvements, so they wouldn't be installing any lighting, any lighting would be part of the residential construction and I don't know that we have codes that prohibit different type fixtures.

MR. PETRO: That's a very unusual, I haven't heard too many problems with somebody having a house and having the neighborhood lit up. Usually, it's a commercial building then we'd have the curves, show how far the light goes out, but not in residential because I can't imagine what somebody would be doing there with a huge light.

MR. CULLEN: Spotlights, sometimes they'll think it's good for security, but it might be infringing on neighbors.

MR. PETRO: I guess your neighbors and you should work it out, I don't know, with a BB gun or phone call but it gets worked out.

MR. CULLEN: One of the things we're concerned with is visual screening, the board requests that the applicant put additional screening and berming, it's an open meadow.

MR. PETRO: Why don't you go over that, do you have a landscaping plan and/or what's your plan for the screening on the back yard? You're talking about 4 and 3, lots 4 and 3?

MR. CULLEN: Yeah, lots 4 and 3 and anything that might

happen behind us at a later date.

MR. MIELE: I don't have a landscaping plan created now, we're going to be keeping the house generally where it's shown mostly in the center you're talking about berming along the edge or--

MR. CULLEN: Yes, within like perhaps the side yard setbacks.

MR. PETRO: Is there a tree line now to the rear of the property? What's there now? Are there tree lines?

MR. MIELE: To the rear?

MR. CULLEN: It's open meadow in the rear.

MR. MIELE: Here or back here the tree line is back behind the property line, otherwise, it's pretty open.

MR. PETRO: I would ask that you not disturb anything that's already in the, see the dotted line for your envelope outside of the setback, just let it stay the way it is.

MR. MIELE: That's fine, we weren't planning on doing anything.

MR. CULLEN: How about additional screening like berming and/or vegetative growth between the houses, can the board, can we request that?

MR. PETRO: I'm not sure that that's--

MR. MIELE: Looking for screening from view of your house?

MR. CULLEN: Between the two, yes.

MR. PETRO: I'm not sure that I'd require that, I would ask you if you want to do anything there--

MR. MIELE: Okay, I mean, usually I deal with that when we get to the plot plan and building permit itself.

MR. LANDER: Well, if you were going to put screening, this is the time to pick this thing up right now instead of later on when we have no--

MR. MIELE: I can see screening on a small postage stamp lot, but this lot is 2.3 acres.

MR. PETRO: I'm not disagreeing with you, I'm just asking you have somebody asking, you want to say no, we're not putting additional screening.

MR. MIELE: At this point, I don't have a landscape plan prepared.

MR. PETRO: We'll leave it open or if you see them over there or you have an idea, usually if we have a different zone, commercial zone next to it, this is residential, we definitely get into screening much more than I would on this. When you have all individual lots, we usually don't require a builder to put screening in between each lot. You heard me ask him to leave what's already there, no sense in disturbing that, sometimes there's a stone wall or there might be some vegetation or trees and that he agreed to do so let's leave it at that. Do you have another question?

MR. CULLEN: Last thing is just I think it covers a lot of the neighbors is the concern about future development and I heard you mention that this is an 80 acre subdivision and I think we all almost know that it is the entire Mulligan complex is like a 204 element and we're wondering why there's being a segmentation of the whole process. SEQRA sort of steers you towards comprehensive analysis of the development.

MR. PETRO: Well, he's just elected to do it in this fashion. But if you notice between lot number 3 and lot number 2, they're leaving a 50 foot right-of-way to access the rear of the property which are remaining 63 acres, so if I were you and anybody else in the room I'd assume that it will be developed according to Town Code and that would be whatever the permitted right and use of that property is by law and the size of the lots would be according. It's R-1 zone?

MR. BABCOCK: Yes.

MR. PETRO: So you need 80,000 square foot, that would be your smallest lot which is approximately two acres.

MR. CULLEN: How does myself and you as the board review and determine impact when you don't look at it comprehensively like for maybe a water quality or water--

MR. PETRO: Thing is where would you draw the line, where would it end? What we're doing here we're going to review it comprehensively, we're reviewing the lots that he has before the board at this time. We don't know that he's going to develop the rest of the property, could be five years, ten years, three years, I'm not sure, but we're reviewing what he's showing us now so to answer your question, that is the answer to your question.

MR. CULLEN: Isn't it segmentation?

MR. PETRO: Not necessarily because where would segmentation end? You can take this piece and have another piece next to it and piece next to that, we can go all the way down to Route 9W and say where are we going to end this?

MR. CULLEN: We know this is the Mulligan Estate, we know that that's going to happen, I think to do a proper environmental analysis, you need to look at the whole plan, master plan and EIS.

MR. PETRO: Well, it is already, it's already zoned for, part of the answer it is already zoned for single family, so whatever a master plan was conceived and done that's when they looked at the whole picture and the whole property is set for single family homes, he's just electing to build 5 out of a possible 40 at this time.

MR. CULLEN: So you as a board feel comfortable about reviewing for impacts in the segmented process?

MR. PETRO: Again, I disagree that it's segmented.

MR. ARGENIO: We only have the ability to review what's in front of us. We can't speculate as you can't speculate specifically what's going to occur next year, the year after, five years after that. Now, you maybe are correct in saying that at some point in time the rest of that's going to be developed but as it stands right now, we don't have that information in front of us to review.

MR. PETRO: Keep in mind even if you're right, let's say there's going to be an 8 inch drain pipe put in for the 5 houses, you're correct when they build another 40 houses, that eight inches drain pipe is not going to work. At that time, we would have to upgrade that system and then it would have to work for the whole system. So to review it now and say for him to put that in now just wouldn't make any sense because it may never be developed.

MR. CULLEN: First I see the easement for Phase 2 so I assume you see that?

MR. PETRO: That's what I just said, if you look between lots number 3 and 2, there's a 50 foot right-of-way to the balance of the 63 acres.

MR. CULLEN: How can you as a board look for safety issues perhaps like traffic concerns, additional traffic and all that if you don't look at it comprehensively?

MR. PETRO: He has a 50 foot right-of-way to the road, he has every right same as everybody else and that's it.

MR. CULLEN: But we have to rely on you guys to make sure that all safety and environmental regulations are followed and met.

MR. PETRO: Well, before it leaves here, this is the town road, the highway superintendent would have to sign off on it the sight distance which you can see here is actually pretty good, see 550 and 800 so that location, is it approved here yet, he's still reviewing

that but you're right, if that doesn't occur, then they can't go there. So we would stop that. Now we're assuming that that access point on Beattie Road would take care of the remaining 63 acres, that's going to be part of what we're doing now.

MR. CULLEN: Okay, so to conclude, you're saying the board doesn't feel this is segmentation process and even though we sort of see a Phase 2 going to be proposed that it's okay for us to look at this this way?

MR. PETRO: I don't believe it's segmentation or don't see Phase 2, says remaining lands.

MR. CULLEN: Well, I see 25 typical temporary driveway easement until Phase 2 access road.

MR. PETRO: He can call it whatever he wants.

MR. MIELE: Phase 2 meaning not now.

MR. PETRO: I see 63 acres that could or could not be developed.

MR. CULLEN: I guess the last thing is is this small subdivision process with its designation as small subdivision, does it circumvent the Department of Health involvement or would that be involved?

MR. EDSALL: It's a major subdivision by Town Law and that's why the public hearing is mandatory. I don't know if I would agree with the term circumvent. The State Law specifically provides the threshold when Health Department reviews are mandatory and this doesn't meet that requirement. You're correct that if there was more lots, they may have to go. The point being as Mr. Argenio said, we can only review what's before us, what they have before us does not meet the criteria of State Law to mandate Health Department review.

MR. CULLEN: Okay, I think that's my questions. Thank you.

MR. PETRO: That's some three questions we went through there. Very good, though. Young lady wanted to speak? Your name?

MS. JEZIK: Susan Jezik. We have the farm property that's in back of it, abuts, yeah, the Jezik property. What I'm looking at is what's going to happen back here cause this is pretty much close to Beattie Road, our property is back here, oh, wait, right here, now, this is what this is, correct?

MR. MIELE: Correct, this is Beattie Road.

MS. JEZIK: This is just showing it and this is the grand view, bigger view of it, okay. So the houses are going to be here and here, now the property that we have is pretty much landlocked because it's just like an easement, a right-of-way onto 207, just a very narrow road that maybe one car can pass to get to and this is pretty much I guess the only open land that's left in the area and what I'm looking at is trying to see if there's a way that I can talk to somebody or for my mother-in-law and my family to see if we can--

MR. PETRO: Talking about these three lots up on the top up here?

MS. JEZIK: Yeah, there's how many acres up there, a hundred and something acres that we have up there and, you know, they have it since 1951 and I know she pays full tax on it and she really doesn't have any way and we also have property, my husband and I and my brother-in-law on Beattie Road, so we have always for years she's been trying to do this and it just, you know, the years go by and it doesn't get done but it would be ideal for us if we could get somehow somewhere an easement or some kind of way to get across Beattie Road to her farmhouse.

MR. LANDER: Is your property landlocked those three lots that I see up here on the top of this page?

MS. JEZIK: All that property, yes, pretty much it is because--

MR. LANDER: Well, either you don't have frontage on a town road or you do. There's no way to get to a town road, your property doesn't come out on a town road anywhere?

MS. JEZIK: There's a little tiny road and there's an overhead of a bridge that goes across, it's a dirt road and you could never get two cars, you know, two lanes, you could never, you know, as far as getting in and out.

MR. LANDER: So you'd like to talk to these people and find out if you can get the right-of-way?

MS. JEZIK: Yeah, I'd like to speak to somebody.

MR. PETRO: Hold on, before you start, lot number 5, it goes from Beattie Road to her property, the size of that lot is?

MR. MIELE: Over with the lands behind it, we're talking about 75 acres.

MR. EDSALL: The north portion?

MR. MIELE: The north portion is 12.3.

MR. PETRO: Why not a 50 foot right-of-way up on the, you know, you don't have any topo, what's this north and south here, so west, the west side of the lot, the short side up there, 50 foot from Beattie Road to the remaining lands in the back, of course, can you work that out with this?

MR. DINARDO: Yeah, if I can, Robert DiNardo, I'm the attorney for the applicant. What I suggest is we discuss this right after the meeting and if we need to meet, we'll meet and we'll pursue it. I don't think it's critical for tonight's application. We understand your concern and let's talk about it.

MR. PETRO: Of course we're not going to get involved if they give you a number to purchase that property or however you convey that property, we're asking him to look into it which he's agreeing to do. So we're not

involved with any of the other technicalities. But obviously, it would be a good idea and it would be a perfect opportunity, it would not hinder your lot in any way as far as we're concerned, right, Mark? I mean, the envelope is still plenty.

MR. EDSALL: There's plenty of room and the reason why there's no 50 foot access shown on the portion is they have frontage along the entire strip. If at some time in the future they decide to resubdivide the north section of lot 5, they could at that point take into account with the road system a cross-connection to the Jezik's property.

MS. JEZIK: Is there any road now that's going somewhere around there, like this is Beattie Road here?

MR. BABCOCK: Yes.

MS. JEZIK: And the power line is right here and this is going to be, these are homes now.

MR. MIELE: They're existing homes.

MR. ARGENIO: Mrs. Jezik, the location map on this plan is not real great, when you go home tonight, how do you go home? How do you get to your house?

MR. MIELE: She doesn't live there.

MR. ARGENIO: How do you get to that property?

MS. JEZIK: I have vacant land now on Beattie Road with my husband and my brother-in-law, we have, there's about 20 acres, this is 20 years ago and my brother-in-law still lives there, he's on 306 Beattie Road and that property is my mother-in-law and my husband's and this is also a relative of ours, this was also bought, these actually these four lots back here.

MR. ARGENIO: I'm asking how do you get to the property now?

MS. JEZIK: Take 207 to Beattie Road.

MR. ARGENIO: Make a left on Beattie Road?

MS. JEZIK: I couldn't get there from Beattie Road, that's the thing, I want to try to get some access cause we have a lot of property there and just be able to--

MR. PETRO: Got it pretty well resolved.

MR. EDSALL: I think the answer is if they come back with another application on the north section, it's an issue then to try to consider a connection and in the interim, if you negotiate something great.

MR. DINARDO: We're happy to discuss it now.

MR. PETRO: Try to negotiate something. Now keep in mind any 50 foot that you'd give up frontage on Beattie Road, you'd gain that frontage on the road that you're giving access to.

MR. DINARDO: We'll take Mr. Edsall's comments into consideration.

MR. PETRO: I would stay and talk to him, find out what he can do there on lot number 5.

MS. JEZIK: Okay, and one more question, do you know what's going to happen back up in here? You don't know yet?

MR. DINARDO: Not with any specificity, no.

MS. JEZIK: So that would be later cause I don't know what trees, I'm with the other guy there, I try to preserve whatever trees, you know, if there was a way, you know, because I know when you develop, you know, some develops take everything down and it, you know, they could keep whatever trees that are there, you know, I like that.

MR. DINARDO: That's the way most of the public feels.

MR. JEZIK: That's about it.

MR. PETRO: Thank you. Anyone else like to speak on a different subject?

MR. COONIS (PHONETIC): Stephen Coonis. The rear of this property as you come in off Beattie there are two very large parcels of property that are landlocked, one is approximately 118 acres and the other one is 103 acres and the only way into these properties at present is over an old broken down railroad trestle bridge, so this would be a perfect opportunity if you can--

MR. PETRO: Can you turn that so I can see where you're pointing? Okay.

MR. COONIS: So this would be a perfect opportunity for the board to have a long range plan.

MR. PETRO: Where are the two pieces?

MR. COONIS: 55-1-60 and 55-1-61 which one of them may not be on this map and this would be a perfect opportunity in the best interest of long range planning to provide ingress and egress for these two landlocked pieces, large parcels.

MR. PETRO: But they're on this side now?

MR. COONIS: Tax map here, this is the Mulligan farm here, this is the new road that's coming in, this is piece number one right here 118 acres and this is parcel number two here, Mr. Chairman, which is 103 acres.

MR. PETRO: Right now we're only developing this piece, this is the right-of-way that we're leaving in.

MR. COONIS: I understand that but I just want to, if the board would take into consideration when they're developing this piece that the roads are provided to get back there when its future development occurs, the planning takes place now that this road unlocks these two parcels.

MR. PETRO: I agree with you a hundred percent but the only thing we can do now is make sure that this road

that's entering this property is to town specs which would be 50 foot, so that's the best that we can do at this point. They're not building this road because it's not going anywhere, we're leaving the 50 foot right-of-way which would make it suitable for a town road so when they come back to do this if they ever do we can explore and we'll need somebody here to remind us.

MR. COONIS: Be here.

MR. LANDER: Do you own that piece?

MR. COONIS: I'm the contract purchaser of that piece, I have a vested interest.

MR. PETRO: You can also contact this gentleman at this time to have the right-of-way now maybe to help you out somehow.

MR. COONIS: We'll contact him.

MR. PETRO: But you have access here, just a matter of getting an easement across that property?

MR. COONIS: I just wanted to appear before the board for the record and so we can keep that in mind for this development as we go into future development, Mr. Chairman.

MR. PETRO: We agree.

MR. COONIS: Thank you.

MR. PETRO: Anybody else?

MR. BERRY: John Berry, 462 Beattie Road. I was wondering if you can read this? Maybe I'm not reading that correctly, maybe you can help me with that.

MR. PETRO: Segmentation is defined as division of environment, review of an action so that various activities or stages are addressed as though they were independent, unrelated activities, individual determination of significance except in special

circumstances considering only a part segment of an overall action contrary to the intent of SEQRA. What does it mean? That means I still say what I said before and that's the end of it. I'm not going to go any further. It's not segmentation.

MR. BERRY: But on the drawing they have Phase 2.

MR. PETRO: Don't come back in this room with Phase 2, take it off and put lands to remain.

MR. BERRY: Hold on one second. What were their intentions on putting Phase 2 on that?

MR. PETRO: There's no intentions.

MR. BERRY: Why ain't they showing the whole picture?

MR. PETRO: Because they're remaining lands.

MR. BERRY: Why do they call it Phase 2? In construction terms, Phase 2 is Phase 2.

MR. PETRO: They're telling you that they're not going to build this out at this time, that's what they're telling us. We can only go by what they're telling us. If they're going to build, they have to make application and come in for the remaining lands.

MR. BERRY: So the way basically if you're going to build in the Town of New Windsor, the way to get through the door would be build 4 houses, 5 houses at a clip?

MR. PETRO: Four houses would be a minor subdivision and you wouldn't need to do half of what they're doing. This is a major subdivision.

MR. BERRY: And you just said something interesting. It's a major subdivision, but it's not being addressed in front of the people tonight as a major subdivision.

MR. PETRO: I think we are.

MR. BERRY: No, no, no, you just said this doesn't

apply, it's just a smaller project.

MR. PETRO: This is a part of the property that they're developing, they're not developing the remaining lands, how can I possibly review anything? I wouldn't even know how many houses they're going to put.

MR. ARGENIO: If you were the applicant here, if you were applying and you were out in the audience and you came in here and we said well, maybe some day he's going to develop Phase 2, well, the zoning will allow you to put in 63 acres that will allow you to put in roughly 31 lots, but we don't have plans for 31 lots. You're the applicant, we're going to say well, we're going to review the back section too cause we think it's possible that maybe some day five, 10 or 20 or 50 years from now you're going to have the right to build 31 lots in the back.

MR. BERRY: I know what you're saying.

MR. ARGENIO: Would you think that was fair? Would that be fair to you as an applicant? I'm just asking.

MR. BERRY: No, I agree with you, so what you're saying the way to beat segmentation is to present it this way.

MR. ARGENIO: No, we have to review it based on what's in front of us.

MR. BERRY: But what I'm saying the way to sneak through the door--

MR. PETRO: You don't have to sneak through the door.

MR. ARGENIO: We're applying the laws of the Town.

MR. BERRY: Can a guy buy a parcel, sell that and put four or five houses on it and walk away?

MR. ARGENIO: You could do it if you wanted to.

MR. BERRY: For the dollar value, you'd have to sell the houses for \$2,000,000 a piece.

MR. ARGENIO: No.

MR. BERRY: We should look down the road. I feel we're very shortsighted here.

MR. ARGENIO: Take the culvert, that's maybe an eight inch culvert, at some point in time comes in and they want to put six houses on the 64 acres.

MR. BERRY: I want it in the minutes tonight I feel we're getting snookered. I don't feel they're presenting the whole picture here to the residents on Beattie Road.

MR. PETRO: I disagree with you.

MR. BERRY: You said, don't say you disagree, you said to me you can't project what they're doing. I feel what they're doing is they're going to chip away at it four or five houses at a time and we're going to have a monster behind us. Okay?

MR. PETRO: As long as they meet the codes and the laws that could be but the one thing you did say I agree with you a hundred percent, take the language off the plan, it's not a Phase 2, this is not a condo project, it's not a commercial project, take it off and use the wording remaining lands. I agree with that.

MR. BERRY: Is there a time limit before they can come back for the next phase or next--

MR. PETRO: Not on a major subdivision.

MR. EDSALL: Jim, they can't, out of this parent parcel, they cannot come back to resubdivide within three years. And if they do so, this subdivision, both this portion and any future portion becomes retroactively reviewable by the Health Department, that doesn't mean if there's another parent parcel, separate lot that they couldn't submit for that but this they could not come back within the next three year period, three years from the time it's approved, I believe, filed.

MR. ARGENIO: So somebody has thought of the things that you're mentioning already.

MR. BERRY: They can go through the first phase, they have three years before they can go back in and come to break out another area in the same lot, how about a lot across the street?

MR. EDSALL: Even unless they decide that they want to have it go to the Health Department, they have the right to come back and go to the Health Department, they would include this portion and the other portion.

MR. PETRO: So that would help you again with what you're saying, it would include all the housing.

MR. BERRY: They would have to show their hand then if they go to the Health Department.

MR. PETRO: Well, they couldn't even come back to us if they didn't go to the Health Department within the three year period.

MR. LANDER: Let's remember one thing, these five lots here have road frontage, they didn't have to have, this is just remaining lands of lot 5, whatever that might turn out to be, might be 75 acres.

MR. BERRY: Access road shows the hand.

MR. LANDER: But they didn't have to have that on there.

MR. BABCOCK: The access road is required because they can't leave a landlocked piece of property that's required.

MR. BERRY: I think it goes around up through the farm there's a road.

MR. BABCOCK: Well, this access road here we're requiring that they put that in for this remaining lands, so we don't have these landlocked pieces of property that the people are talking about.

MR. BERRY: That was a requirement that you put in.

MR. EDSALL: Part of the planning requirements of the Town.

MR. LANDER: But my point is they have road frontage for these five lots, so they didn't even have to have anything else on this plan, they could have come in, well, except for the 50 foot right-of-way for future development, but otherwise, Phase 2 they didn't have to have that.

MR. BERRY: Was that submitted on the first drawing or requested by you guys?

MR. MIELE: The 50 foot right-of-way it was on the first plan, we discussed that in the work shop.

MR. BERRY: So you know what direction they're going in?

MR. LANDER: Sooner or later, they're going to develop, they could be 10 or 20 acre lots, who knows.

MR. BERRY: Well, the numbers have got to work.

MR. ARGENIO: The numbers have to work.

MR. BERRY: You have to get a return on your money.

MR. LANDER: Industry turns back, suppose it turns the other way, goes down the back side.

MR. PETRO: Keep in mind the improvements they need to do to the lots are not very great, they're not building a road. Once this is done and they have to go in and start building a town road, we're talking about serious money right now, they're just accessing Beattie Road, huge difference.

MR. BERRY: Thank you.

MR. PETRO: Thank you. Anybody else?

MR. CULLEN: I just wanted to reiterate how can you

guys feel comfortable mitigating negative impact when you don't see the clear whole picture?

MR. SCHLESINGER: What's your concern? I mean, our concern is to evaluate the plans that are presented to us and make sure that the codes are all being followed. What's the concern that you're presenting here?

MR. CULLEN: Well, I think concern is SEQRA suggests as or recommends that things be looked at comprehensively and we all know here that the parcels are going to be designed and developed so to mitigate concerns such as water quality issues or septic things and all those things I think you need to look at it comprehensively rather than piecemeal because little parts might not be so bad, but all of them together lumped in might create an impact, a negative impact.

MR. PETRO: You know what, usually they do, traffic.

MR. SCHLESINGER: But one of the things this is a septic plan here and each one has to be evaluated as an individual parcel. But if you're talking about something like if they wanted to build a whole condo project, the town does evaluate that, they just put a water moratorium so they can't bring in a main to accommodate such a large complex and that's evaluated and those things are changed just like the water moratorium that was put in or even the size of the lots that were just changed, those things are taken into consideration and that's addressing I think what you're addressing and the purpose of that is to eliminate such large complexes.

MR. CULLEN: For runoff and water quality issues and ground water capacity, things like that I just feel that following SEQRA you should look at it comprehensively. Sounds like we're not, we're not doing that, we're beating that process.

MR. LANDER: We're only looking at five lots right now on a town road. They have town frontage, they can do those five lots lands remaining. When they come in for that, they're not going to do five lots, that's when you have to look at, that might never get built out.

We don't know that. So I understand what you're saying still we have to look at what they're presenting to us now, they can come back in three years with 30 homes, who knows, it could be 20 homes, that's what we have to review at that time.

MR. PETRO: Whatever needs to be upgraded to make it work.

MR. LANDER: When they have to put the town road but they have frontage on this town road they can develop that if they meet the criteria.

MR. PETRO: I know there's no more, I just want to say something before we close the public hearing, I don't want anybody here thinking that we don't have your concerns, we all live in New Windsor too and every morning we leave our houses. I can't get out on Route 32 from my house. Sometimes I need a canteen because I can't get on the road. So I understand everything you're saying. I know what it's like but we still have to act what we believe to be within the law, although you don't think so in this case and do the right thing for the person who owns the property. They have as much right as we do. And normally, my answer to a lot of people are what if that was your son's property or wife's property or somebody in your name family and you wanted to develop it, you would have rights same as these applicants have rights. Try to understand both sides. And we're not making light of any comments here at all just we have to work within a framework that's set before us so I don't want anybody saying those guys don't care. We do care or else we wouldn't be here in the first place. Motion to close the public hearing?

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Beattie Road Associates major subdivision. Is there any further comments from the board members? If not, roll call.

ROLL CALL

| | |
|----------------|-----|
| MR. LANDER | AYE |
| MR. MASON | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: At this time, I'm going to open it up back to the board for further review if you any further comments. Any of the board members? I know that you have to have some changes that we picked up now from the public hearing, you're going to check out where the elm tree is for this gentleman here, plot it on here and just put save wherever that tree would be. Just one tree?

MR. CULLEN: Yes, right along the road.

MR. LANDER: Wetlands.

MR. PETRO: Second one you're going to delineate Federal wetlands on the bottom of lot four or one, I'm sorry.

MR. BABCOCK: Any wetlands, Mr. Chairman.

MR. PETRO: That are impacting the lots anywhere.

MR. CULLEN: State and Federal?

MR. PETRO: Yes.

MR. LANDER: Tenth of an acre now.

MR. EDSALL: For disturbance now.

MR. PETRO: Number 3, you're going to remove Phase 2 off the plan, just put remaining lands. Mark, do you have any other comments you want to go over quickly?

MR. EDSALL: No. I have some notes from various items, I'll work with the applicant at the workshop.

MR. PETRO: Any of the members have anything you want

to say to the applicant?

MR. LANDER: Label Beattie Road also, let's not forget lot 5 is 12.3 acres, I buy that lot, I can subdivide that, it's 12.3 acres.

MR. PETRO: Well maybe a little bit less if this young lady here gets her piece of land.

MR. LANDER: Well, even so.

MR. PETRO: I think that's a good idea, too, of course you'd be opening up other lands for further development but that's their right, you know, so I would try to work together with them, see if you can get that on the map. Thank you. Everybody thank you for a very informative public meeting.

MR. MIELE: In light of the minor comments that were there and everything we read in the minutes, can I request conditional final pending changing those items?

MR. PETRO: You didn't, in my 8 January, 2003 comments I notice several areas of concern, these remain open items, these comments should be addressed on the next plan submitted. So, in other words, it wasn't done and I don't know what those comments are, so until Mark tells me there's nothing here, I don't want to do that.

MR. DINARDO: Assuming they're not major, I don't know if they're major, of any consequence.

MR. EDSALL: Well, we didn't even get a new plan for tonight.

MR. MIELE: We didn't?

MR. EDSALL: There was no submittal for tonight's meeting, you worked off the old plan, so any of the issues we discussed at the workshop we haven't even gotten a new plan addressing those.

MR. MIELE: I just want to make sure so--

MR. EDSALL: So I would feel more comfortable.

April 9, 2003

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MR. PETRO: Redo the whole thing, come back and we'll do a preliminary, if we get that far. Okay?

MR. MIELE: Okay, thank you.

DISCUSSION

MR. PETRO: I see tonight with the public hearing we had a 5 lot public hearing, you can sense the anger in the crowd, it's just going to get worse and worse and worse as development moves in.

MR. BABCOCK: These are the people notified three times when they shouldn't have been notified, they're aggravated, they've come to the office, we tell them there's no public hearing.

MR. ARGENIO: They have a right to be aggravated. Nothing that we did or didn't do.

MR. BABCOCK: But they advertised when they should not have, they were telling me outside now they feel that he's trying to pull something over their eyes because he has advertised this thing and then the public hearing didn't exist.

MR. ARGENIO: I would probably feel the same way.

MR. LANDER: You'll get tired of coming.

MR. KARNAVEZOS: My point is like Jim said before, they have every right to build, they can build all those lots, 2 acre, all 2 acre lots, they can build another 30 houses.

MR. MASON: But everybody in the audience--

MR. KARNAVEZOS: If they want another 5 houses, it's a major subdivision, so they have to go through the whole process all over again.

MR. MASON: Everybody in the audience lives there now they're there, they just don't want no more.

MR. PETRO: It's going to get worse and worse and worse.

MR. SCHLESINGER: Their issue was the long term and total conglomerate of what can happen three or five years down the road. One of the guys, I forget which

one said he started to say and maybe he stopped what about the schools and the water and everything like that. Our job which you really said was to address what's presented in front of us. The Town, by setting the water moratorium or by changing the zoning, the size of the lots and everything addresses the things like the schooling and the traffic and things like that, that's not our job.

MR. ARGENIO: Precisely correct.

MR. SCHLESINGER: All we had to do is tell them the only thing we're addressing now is what's in front of us, what happens down the road, that's done in a more of an overall thing by the Town.

MR. PETRO: Keep in mind what you're saying, you're telling everybody who's educated on the process and agrees with you, these people don't want to hear that, so it doesn't matter that you're saying that.

MR. SCHLESINGER: The thing is it really was a black and white issue in the sense that we're only addressing what's in front of us, above and beyond that it's not our job to do that.

MR. PETRO: They're were trying to do a little dance to say it was segmentation.

MR. BABCOCK: He had a Tectonic hat on so--

MR. PETRO: Okay, motion to adjourn?

MR. KARNAVEZOS: So moved.

MR. LANDER: Second it.

ROLL CALL

| | |
|----------------|------|
| MR. LANDER | AYE |
| MR. MASON | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE. |

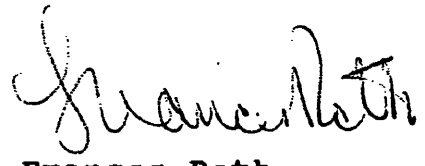
April 9, 2003

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MR. PETRO

AYE

Respectfully Submitted By:

 4/7/03

Frances Roth
Stenographer



RESULTS OF P.B. MEETING OF:

April 9, 2003

PROJECT: Beattie Rd. Associates

P.B. # 02-36

LEAD AGENCY:

NEGATIVE DEC:

AUTHORIZE COORD. LETTER: Y N

M) S) VOTE: A N

TAKE LEAD AGENCY: Y N

CARRIED: Y N

M) S) VOTE: A N

CARRIED: Y N

PUBLIC HEARING:

WAIVED:

CLOSED: ✓

M) L S) A VOTE: A 5 N 0

SCHEDULE P.H.: Y N

SEND TO O.C. PLANNING: Y

SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M) S) ✓ VOTE: A N

RETURN TO WORK SHOP: Y N

APPROVAL:

M) S) VOTE: A N APPROVED:

NEED NEW PLANS: Y N

CONDITIONS - NOTES:

Public Hearing:
Mike Cullen - 454 Beattie Rd. - Rare Trees to be saved
Wetlands Protection
Lot #4 driveway location
Building Hts
Outdoor lighting
Screening
Future Development? SEQRA segmented?
Lisa Jzick - Their property being land-locked
Steve Cornis - Landlocked property
John Berry - 462 Beattie Rd. - Segmentation
Put Federal Wetlands on map
Remove Phase II from plan

-----X


BEATTY ROAD ASSOCIATES P. B. #02-36

AFFIDAVIT OF SERVICE BY MAIL

MYRA L. MASON, being duly sworn, deposes and says:

That on the **25TH** day of **MARCH**, 2003, I compared the 17 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for site plan/subdivision/special permit/lot line change approval and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason
Myra L. Mason, Secretary



Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006



LEGAL NOTICE



NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on APRIL 9, 2003 at 7:30 P.M. on the approval of the proposed Subdivision Approval for BEATTIE ROAD ASSOCIATES (MULLIGAN PROPERTY)

(Tax Map #Section 55, Block 1, Lot 42.4)

Located at BEATTIE ROAD – TOWN OF NEW WINDSOR. Map of Subdivision is on file and may be inspected at the **Planning Board Office**, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: MARCH 19, 2003

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr., Chairman

PLEASE NOTE:

This is the Official Notice of Public Hearing – mailed by the Town of New Windsor Planning Board Office.

**Myra Mason,
Secretary to the Planning Board**

★ LEGAL NOTICE ★

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF
NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC
HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on
APRIL 9, 2003 at 7:30 P.M. on the approval of the proposed
Subdivision Approval for BEATTIE ROAD ASSOCIATES (MULLIGAN
PROPERTY)

(Tax Map #Section 55, Block 1, Lot 42.4)

Located at BEATTIE ROAD – TOWN OF NEW WINDSOR. Map of
Subdivision is on file and may be inspected at the **Planning Board Office**,
Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: MARCH 19, 2003

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr., Chairman

Notice for Publication only.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

January 14, 2003

Mike Miele
Riley Rd.
New Windsor, NY 12553

Re: 55-1-42.4

Dear Mr. Miele:

According to our records, the attached list of property owners are abutting to the above referenced property.

Parcels marked with one asterisk(*) represent abutting parcels, two asterisks (**) represent that the parcel is located within an Agricultural District, and three asterisks (***) represent that the parcel is both abutting and located within an Agricultural District.

Please be advised that the subject parcel is also located within an Agricultural District.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley
Assessor

JW/JL
Attachments

CC: Myra Mason, ZBA

55-1-25.2 *

Mary Roche & Mary & Louise Jezik
2 Gerstein Dr.
Croton-on-Hudson, NY 10520 ✓

55-1-42.1*** & 55-1-42.2***

Charles H. Jr. & Theresa A. Denny
13 Broad St.
New Windsor, NY 12553 ✓

55-1-26* & 55-1-27*

Henry Jezik & Margaret & Mary Roche &
Mary & Louise Jezik
35-12 29th St.
Astoria, NY 11106 ✓

55-1-42.3***

Arthur E. & Ann Pagliaro
443 Beattie Rd.
Rock Tavern, NY 12575 ✓

55-1-28*

Agnes Hornacek & Joyce Ellen
23-25 127th Street
College Point, NY 11356 ✓

55-1-43.2***

Robert W. Minard
P.O Box 326
Clintondale, NY 12515 ✓

55-1-31*** & 55-1-34***

R&C Mulligan Corp.
508 Beattie Rd.
Rock Tavern, NY 12575 ✓

55-1-60***

Diana H. & Margaret Duskin
Co-Trustees
P.O Box 268
Washingtonville, NY 10992 ✓

55-1-35***

James & Ann K. Galante
480 Beattie Rd.
Rock Tavern, NY 12575 ✓

55-1-65.4**

Thomas A. & Heidi J. M. Gamble
373 Beattie Rd.
Rock Tavern, NY 12575 ✓

55-1-36***

Barry D. & Robin A. Gershowitz
472 Beattie Rd.
Rock Tavern, NY 12575 ✓

55-1-66***

William L. & Eileen R. Gamble
377 Beattie Rd.
Rock Tavern, NY 12575 ✓

55-1-37***

Dominick & Diane L. Splendorio
466 Beattie Rd.
Rock Tavern, NY 12575 ✓

55-1-132.3***

Henry B. & Elizabeth Ann Van Leeuwen
345 Beattie Rd.
Rock Tavern, NY 12575 ✓

55-1-38***

Robin Berry
462 Beattie Rd.
Rock Tavern, NY 12575 ✓

55-1-39*** & 55-1-40***

Patricia Cullen Chippendale
& Paul Chippendale
458 Beattie Rd.
Rock Tavern, NY 12575 ✓

55-1-41***

Michael T. Cullen
454 Beattie Rd.
Rock Tavern, NY 12575 ✓

17 Mailed
3/25/03

03/13/2003 09:44 5645182

MMHIGHWAY

PAGE B2

AGENT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Catherine Mulligan, deposes and says that he resides
(OWNER)
at 508 Beattie Road in the County of Orange
(OWNER'S ADDRESS)
and State of New York and that he is the owner of property tax map
(Sec. 55 Block 1 Lot 42.4)
designation number (Sec. Block Lot) which is the premises described in
the foregoing application and that he designates:

Beattie Road Associates, LLC

(Agent Name & Address)

Landtech Consulting, Crossroads Corporate Center
One International Boulevard, Suite 203, Mahwah, NJ 07495

(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHEDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICHEVER IS SOONER.**

SWORN BEFORE ME THIS:

** Catherine C. Mulligan
Owner's Signature (MUST BE NOTARIZED)

14th DAY OF March 2003)

Bonnie FitzPatrick
Notary Public, State Of New York
Registration #01F16039298
Qualified in Orange County
My Commission Expires March 27, 2006

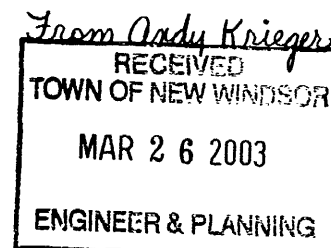
NOTARY PUBLIC

Agent's Signature (If Applicable)

Professional Representative's Signature

** PLEASE NOTE: **ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER



BEATTIE ROAD SUBDIVISION (02-36)

MR. PETRO: Application proposes subdivision of 85 acre parcel into 5 single family residential lots. Now that's what I like to see. Plan was reviewed on a concept basis only. R-1 zoning permitted use, each lot appears to easily comply with the minimum bulk requirements, although the bulk table requires some corrections.

Mr. Mike Miele appeared before the board for this proposal.

MR. MIELE: I'm Mike Miele, I'm with Landtech Consulting, I'm the engineer for my client, which is Beattie Road Associates. John Capella is the attorney representing the client. To me, very simple project, it's approximately a 70 acre piece, I believe we're doing 5 lot subdivision, four, two to three acre lots with remaining lands totaling about 63 acres, we're going to have a 50 foot right-of-way.

MR. PETRO: Where's the remaining lands because I'm confused by the plan.

MR. MIELE: Beattie Road creates a natural subdivision between the piece, if you look at the larger site plan you can see Section 551-42.4 is actually on the north and south side of Beattie Road, so the remaining land is on both sides behind four we're looking to develop.

MR. PETRO: The other three lots are not part of the application, they're already existing?

MR. MIELE: Correct.

MR. PETRO: One, two, three, four, how many are you creating, five and the one the house there is on the large piece?

MR. MIELE: Correct.

MR. PETRO: The one that's on the other side of the road and that's a driveway and a house?

MR. MIELE: Yes.

MR. PETRO: You've got another sketch plan with the sanitary systems?

MR. MIELE: Yes, I do. Just to recap, there isn't any serious grades, it's a pretty flat piece, we're within zoning lots 1 and 4 will have driveways accessing Beattie Road, sight distances are okay, lots 2 and 3 will access the right-of-way, will create a 25 foot temporary driveway easement until the road's put in place, so we'll not have to move the driveways and the driveways will access the new road which will be further developing the property later on.

MR. PETRO: You probably just said it and I was daydreaming, how are you going to access lot number 2? You're going to come down the 50 foot right-of-way and how are you going to do that now until the road is built?

MR. MIELE: We're putting in, Mark spoke about this at the workshop, instead of having four driveways accessing Beattie Road, the driveways of lots 2 and 3 now are going to come out on the side and the driveways now are going to be, we're going to create a temporary easement on the 50 foot right-of-way where the driveways are going then when we put the roads in the driveways will be access.

MR. PETRO: You're going to have driveways from the house to Beattie but they're going to have an easement over the piece of property?

MR. MIELE: Correct, so the 2 and 3 are going to come up together to Beattie Road until the road's put in.

MR. PETRO: Very clever.

MR. EDSALL: Saves us from having to relocate it later.

MR. PETRO: It's a good idea. Who came up with that? Must have been Mark.

MR. EDSALL: It was.

MR. EDSALL: Every once in a while I come up with a good idea.

MR. MIELE: The percs came out fine, we're between 11 and 15 minutes on the perc which is fine for our subsurface systems.

MR. PETRO: Shouldn't they be witnessed by someone from your office, Mark?

MR. EDSALL: No, it was not.

MR. PETRO: But it should be though, right?

MR. EDSALL: That you select on an individual basis.

MR. LANDER: Is there 2 lot fives?

MR. MIELE: I don't understand, lot 5 encompasses both sides of Beattie Road.

MR. LANDER: Two different tax--

MR. MIELE: One tax lot, Beattie Road does not form a natural subdivision so Beattie Road cuts the tax lot in half.

MR. PETRO: So in reality, that would be a setback from the road, it can actually have the dotted lines go both sides, but you have a setback from the road, that's what the envelope is and that's the setback from the road, the dotted line?

MR. MIELE: Yes.

MR. PETRO: What is it, 60 foot setback?

MR. BABCOCK: Firty-five in this zone.

MR. PETRO: Motion for lead agency.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Beattie Road Associates major subdivision. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

| | |
|----------------|-----|
| MR. LANDER | AYE |
| MR. BRESNAN | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: I'd like to have a public hearing for these because it cleans it up and you're all done. Sometimes on these little subdivisions, you get drainage patterns that you wouldn't know about.

MR. LANDER: I'd like to see what's around this, I mean, besides the, is there any wetlands close by?

MR. MIELE: There's a small wetlands in the back in the rear section down here.

MR. PETRO: Let's authorize a public hearing.

MR. BRESNAN: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize a public hearing for the Beattie Road Associates major subdivision.

ROLL CALL

| | |
|----------------|-----|
| MR. LANDER | AYE |
| MR. BRESNAN | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: We don't have anything yet from highway or

fire so we're waiting. You have them submitted highway and fire?

MR. MIELE: Not yet, no.

MR. PETRO: That's about it. Conceptually, anybody have any problems with it? The smallest lot is two acres.

MR. KARNAVEZOS: The only question I have is with this temporary easement, what's going to be the address of lot 2 and 3 and is the address going to change after this road has been put in?

MR. EDSALL: It would as soon as, if the road never goes in, they would just maintain the Beattie Road address. If a private road is constructed, they would have to change to that new street name, I guess that's the only downside from the standpoint.

MR. PETRO: That's not a big deal.

MR. KARNAVEZOS: No, I'm just trying to figure out what they're going to call their address. Is it going to be Beattie Road being that they're coming in so many feet off of the road?

MR. EDSALL: Yeah, it would be numbered off Beattie for now.

MR. PETRO: Thank you.

MR. MIELE: When's the public hearing?

MR. PETRO: Contact Myra when you have all your paperwork in and you have all the notices sent.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 Airport Center Drive
Suite 202
New Windsor, New York 12553

(845) 567-3100
fax: (845) 567-3232
e-mail: mhenry@mhepc.com

Writer's e-mail address:
mje@mhepc.com

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: BEATTIE RD. ASSOCIATES (NEUMAN) MAJOR SUBDIVISION
(MULLIGAN PROPERTY)
PROJECT LOCATION: BEATTIE ROAD
SECTION 55 – BLOCK 1 – LOT 42.4
PROJECT NUMBER: 02-36
DATE: 8 JANUARY 2003
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 85 +/-
ACRE PARCEL INTO FIVE (5) SINGLE-FAMILY RESIDENTIAL LOTS.
THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The property is located in the R-1 Zoning District of the Town. The “required” bulk information shown is correct for the zone and use. Each lot appears to easily comply with the minimum bulk requirements, although the bulk table requires some corrections.
2. The Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
3. My initial comments on the plans are as follows:
 - a. The plans include preliminary sanitary designs for each of the proposed five residences. Our office did not witness any of the field testing, and we have not yet reviewed the proposed layouts, pending this sketch (concept) review of the plans by the Board.
 - b. The applicant should be clear that lot #5, notwithstanding it is split by the Town road, is a single building lot and is entitled to only one building permit, until it is further subdivided at some time in the future. A note on the plan to this effect would be appropriate.
 - c. Sight distances are shown for the proposed driveway locations. I have not yet had an opportunity to review these with the Highway Superintendent.

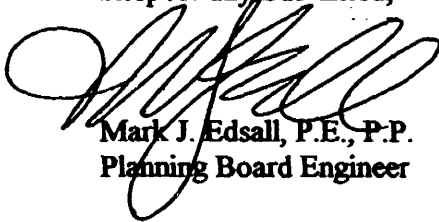
REGIONAL OFFICES

• 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
• 540 Broadway • Monticello, New York 12701 • 845-794-3391 •

d. Regarding the sight distance, the methodology used to obtain the values should be indicated in the note.

4. The Planning Board should consider authorizing the mandatory Public Hearing for this Major Subdivision, as required under Paragraph 4 of the Subdivision Regulations.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Mark J. Edsall', is written over the typed name and title.

Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW02-36-08Jan03.doc

Dickover, Donnelly, Donovan & Biagi, LLP
Attorneys and Counselors at Law

James B. Biagi, CPA
David A. Donovan
Michael H. Donnelly
Robert J. Dickover

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mae@dddblaw.com
Fax (845) 294-6553
(Not for Service of Process)

March 13, 2003

Town of New Windsor Planning Board
Town Hall, 555 Union Avenue
New Windsor, New York 12550

RE: Catherine Mulligan and R&C Mulligan with Beattie Road Associates, LLC
55-1-42.4

Members of the Board:

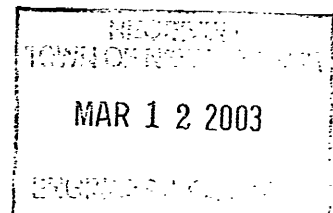
I write to you as the attorney for Catherine Mulligan and R&C Mulligan Corp., the owners of property on Beattie Road and more specifically identified as tax map parcel 55-1-42.4. Beattie Road Associates, LLC presently has a subdivision application pending before you. That application has been tentatively scheduled for public hearing on March 12, 2003. My clients had earlier withdrawn the owner's authorization for the applicant to process this application. I write to you now in regard to this issue. My clients have authorized me to communicate to you that they hereby reinstate the authorization earlier granted to Beattie Road Associates, LLC to process a subdivision application before you in regard to the property in question. I apologize as to the confusion created by what must appear to be waffling on my clients part. I assure you that no inconvenience was intended to you.

Very truly yours,


MICHAEL H. DONNELLY

MHD/jlc

Cc: Mrs. Catherine Mulligan
508 Beattie Road
Rock Tavern, NY 12575



Robert DiNardo, Esq.
Jacobowitz & Gubits, Esqs.
158 Orange Avenue
P.O. Box 367
Walden, NY 12586

Mark Edsall, P.E.
McGoey, Hauser & Edsall
33 Airport Drive, Ste. 202
New Windsor, NY 12553

\\Ddb-srv1\USER DOCS\JC\correspondence\letterhead two.doc



PROJECT: Beattie Rd. Sub. P.B. # 02-36

NEGATIVE DEC:

M)____S)____VOTE: A____N____
CARRIED: Y____N____

PUBLIC HEARING: **WAIVED:** No **CLOSED:**

M) L S) K VOTE: A 5 N 0 SCHEDULE P.H.: Y ✓ N

REFER TO Z.B.A.: M)____S)____ VOTE: A____N____

RETURN TO WORK SHOP: Y___ N___

M) S) VOTE: A N APPROVED:

NEED NEW PLANS: Y_____N_____

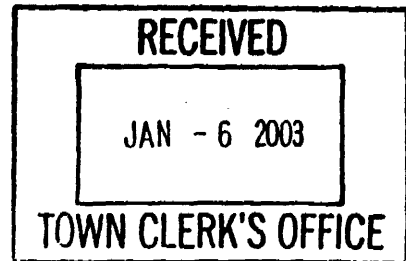
CONDITIONS – NOTES:

[illegible]



TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670



REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

map for sub-division Mulligan Property

Date Records Requested: 1/6/03

Name: Ann Pagliaro

Address: 443 Beattie Rd Rock Tavern

Phone: (845) 496-5078

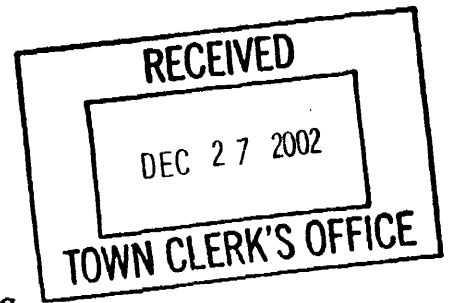
Representing: Catherine Mulligan

Documents may not be taken from this office.



TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670



REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

Copy of survey Beattie Rd

Date Records Requested: _____

Name: *Laren Barrett*

Address: *39 Delaware Rd Newburgh*

Phone: *(845) 566-4480*

Representing: _____

Documents may not be taken from this office.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 12/18/2002

PAGE:

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 2-36

NAME: BEATTIE ROAD SUBDIVISION PA-2002-0925

APPLICANT: BEATTIE ROAD ASSOCIATES

| --DATE-- | DESCRIPTION----- | TRANS | --AMT-CHG | -AMT-PAID | --BAL-DU |
|------------|------------------|--------|-----------|-----------|----------|
| 12/17/2002 | REC. CK. #1219 | PAID | | 675.00 | |
| | | | ----- | ----- | ----- |
| | | TOTAL: | 0.00 | 675.00 | -675.0 |



P.B #02-36
Application fee

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 583-4611**

**RECEIPT
#1172-2002**

12/18/2002

Estates At Arlington

**Received \$ 100.00 for Planning Board Fees, on 12/18/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

**FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE**

TO: James Petro, Planning Board Chairman

FROM: John McDonald, Fire Inspector

SUBJECT: PB-02-36
Beattie Road Associates

DATE: June 21, 2004



Fire Prevention Reference Number: FPS-04-026

The above referenced subdivision plan was reviewed and found to be acceptable.

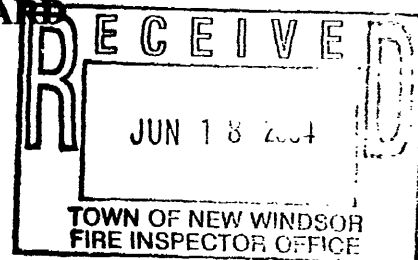


Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET



TO: FIRE INSPECTOR - 032

P.B. FILE #02-36

DATE RECEIVED: 06-18-04

PLEASE RETURN COMPLETED FORM TO MYRA
BY: 06-21-04 TO BE ON AGENDA FOR THE 06-23-04 PLANNING BOARD
MEETING.

THE MAPS AND/OR PLANS FOR:

BEATTIE ROAD ASSOCIATES

Applicant or Project Name

SITE PLAN _____, SUBDIVISION XXX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☒ APPROVED:

Notes: _____

☐ DISAPPROVED:

Notes: _____

Signature: _____

Reviewed by _____

date _____

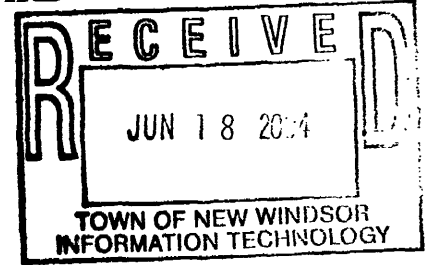


Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET



TO: **E 911 COORDINATOR**

P.B. FILE #02-36

DATE RECEIVED: 06-18-04

**PLEASE RETURN COMPLETED FORM TO MYRA
BY: 06-21-04 TO BE ON AGENDA FOR THE 06-23-04 PLANNING BOARD
MEETING.**

THE MAPS AND/OR PLANS FOR:

BEATTIE ROAD ASSOCIATES

Applicant or Project Name

SITE PLAN _____, SUBDIVISION XXX, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☐ **APPROVED:**

Notes: _____

☒ **DISAPPROVED:**

Notes: NEED three (3) sets of Sheet
for E911 number assignment.

Signature: _____

Reviewed by _____

date 6/18/04



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: **HIGHWAY DEPARTMENT**

P.B. FILE #**02-36**

DATE RECEIVED: **06-18-04**

**PLEASE RETURN COMPLETED FORM TO MYRA
BY: 06-21-04 TO BE ON AGENDA FOR THE 06-23-04 PLANNING BOARD
MEETING.**

THE MAPS AND/OR PLANS FOR:

BEATTIE ROAD ASSOCIATES

Applicant or Project Name

SITE PLAN _____, SUBDIVISION **XXX**, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☐ **APPROVED:**

Notes: under review

☐ **DISAPPROVED:**

Notes: _____

Signature: Henry J. Kroll 6-23-04
Reviewed by _____ date



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ **Main Office**

33 Airport Center Drive

Suite #202

New Windsor, New York 12553

(845) 567-3100

e-mail: mhenry@mhepc.com

☐ **Regional Office**

507 Broad Street

Milford, Pennsylvania 18337

(570) 296-2765

e-mail: mhepa@mhepc.com

Writer's E-mail Address:

mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF:

New Windsor

P/B APP. NO.:

0236

WORK SESSION DATE:

16 June 2004

PROJECT: NEW

OLD X

REAPPEARANCE AT W/S REQUESTED:

No

RESUB. REQ'D:

yes re-plan

PROJECT NAME:

Beattie Rd Arter

REPRESENTATIVES PRESENT:

Ed G. L

MUNICIPAL REPS PRESENT:

BLDG INSP.

ENGINEER

P/B CHMN

X

FIRE INSP.

PLANNER

OTHER

ITEMS DISCUSSED:

for 2 prop. over-ly@

spl. to 50' to 2-25' ear.

ret areas.

MJE ck plan w BM

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT
TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

PROJECT STATUS:

ZBA Referral:

Y X N

Ready For Meeting

X Y N

Recommended Mtg Date

next chair



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ **Main Office**

33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mhenry@mhepc.com

☐ **Regional Office**

507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF:

New Windsor

P/B APP. NO.:

02-36

WORK SESSION DATE:

2 June 04

PROJECT: NEW

OLD ☒

REAPPEARANCE AT W/S REQUESTED:

Yes

RESUB. REQ'D:

PROJECT NAME:

Beattie Rd Assoc Subdiv

REPRESENTATIVES PRESENT:

Ed Gaman; George Merkel

MUNICIPAL REPS PRESENT:

BLDG INSP.
ENGINEER ☒
P/B CHMN

FIRE INSP.
PLANNER
OTHER

ITEMS DISCUSSED:

- flres verify 4/20
- drive access case.
- need 50' lot 5
- 50' res for future road.
- 25' deep drive case (see note)
- note - deep drive case
extinguish when road
constr. - if 1/2 lot 2+3
must become part of
1/2 Maint. Area
- add rest lot areas

STND CHECKLIST:

DRAINAGE
DUMPSTER
SCREENING
LIGHTING
(Streetlights)
LANDSCAPING
BLACKTOP
ROADWAYS
APPROVAL BOX

**PROJECT
TYPE**

SITE PLAN
SPEC PERMIT
L L CHG.
SUBDIVISION
OTHER

PROJECT STATUS:

ZBA Referral: ☐ Y ☐ N

Ready For Meeting ☐ Y ☐ N

Recommended Mtg Date



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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF: New Windsor

P/B APP. NO.: _____

WORK SESSION DATE: 20 Aug 2003

PROJECT: NEW _____ OLD X

REAPPEARANCE AT W/S REQUESTED: No

RESUB. REQ'D: No Maybe

PROJECT NAME: Beattie Rd. Construction

REPRESENTATIVES PRESENT: Mike Miele

MUNICIPAL REPS PRESENT:

BLDG INSP. _____
ENGINEER X
P/B CHMN _____

FIRE INSP. _____
PLANNER _____
OTHER _____

ITEMS DISCUSSED:

- Set gpt of Kroll next
Wednesday -
- he will have updated
survey available to them

STND CHECKLIST:

DRAINAGE _____

DUMPSTER _____

SCREENING _____

LIGHTING _____

(Streetlights)

LANDSCAPING _____

BLACKTOP _____

ROADWAYS _____

APPROVAL BOX _____

PROJECT STATUS:

ZBA Referral: _____ Y _____ N

Ready For Meeting _____ Y _____ N

Recommended Mtg Date _____

PROJECT
TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER



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**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: 02-36
WORK SESSION DATE: 16 July 2003 PROJECT: NEW OLD X
REAPPEARANCE AT W/S REQUESTED: Yes RESUB. REQ'D: _____
PROJECT NAME: Beattie Rd Assoc
REPRESENTATIVES PRESENT: Mike Miele - 201-512-5809
MUNICIPAL REPS PRESENT: BLDG INSP. _____ FIRE INSP. Frank
ENGINEER X PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:

Set up for re Beattie Rd
- survey by Murray notables good
- doesn't have full info for
(east)? get more points

STND CHECKLIST:

DRAINAGE _____
DUMPSTER _____
SCREENING _____
LIGHTING _____
(Streetlights)
LANDSCAPING _____
BLACKTOP _____
ROADWAYS _____
APPROVAL BOX _____

PROJECT TYPE

SITE PLAN
SPEC PERMIT
L L CHG.
SUBDIVISION
OTHER

PROJECT STATUS:

ZBA Referral: _____ Y _____ N
Ready For Meeting _____ Y _____ N
Recommended Mtg Date _____



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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: _____

WORK SESSION DATE: 2 July 2003 PROJECT: NEW _____ OLD X

REAPPEARANCE AT W/S REQUESTED: Yes RESUB. REQ'D: later L1/L2

PROJECT NAME: Beattie Rd Phase II

REPRESENTATIVES PRESENT: Mike M.

MUNICIPAL REPS PRESENT: BLDG INSP. _____ FIRE INSP. Yes
ENGINEER X PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:
— needs split to 2 lots
off side of Beattie
— need P/R now for former
2 easements
— now Bob Murray - LS.
do overlay road strip
— deal w/ driveway r/hps
— perc

STND CHECKLIST: PROJECT TYPE
DRAINAGE _____ SITE PLAN
DUMPSTER _____ SPEC PERMIT
SCREENING _____ L L CHG.
LIGHTING _____ SUBDIVISION
(Streetlights)
LANDSCAPING _____ OTHER
BLACKTOP _____
ROADWAYS _____
APPROVAL BOX _____

PROJECT STATUS:
ZBA Referral: _____ Y _____ N
Ready For Meeting _____ Y _____ N
Recommended Mtg Date _____



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**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN / VILLAGE OF: New Windsor **P/B APP. NO.:** 0236
WORK SESSION DATE: 18 June 03 **PROJECT:** NEW OLD X
REAPPEARANCE AT W/S REQUESTED: late. **RESUB. REQ'D:** Yes late
PROJECT NAME: Beattie Rd Assoc.
REPRESENTATIVES PRESENT: Mike Mille.
MUNICIPAL REPS PRESENT: BLDG INSP. FIRE INSP. Frash
ENGINEER X PLANNER
P/B CHMN OTHER

ITEMS DISCUSSED: **STND CHECKLIST:** **PROJECT TYPE**
* got initial 4 + remainder DRAINAGE SITE PLAN
approved subject to DUMPSTER SPEC PERMIT
* mje/mk need to do FZ SCREENING L L CHG.
* they want Phase II 75 lots on N side LIGHTING SUBDIVISION
plus keep arcade on South (Streetlights) LANDSCAPING OTHER
 BLACKTOP
- yes need to show home on S reman. ROADWAYS
- road must be developed. APPROVAL BOX
- if add'l 5 lots > 5A DOH not mandatory. **PROJECT STATUS:**
ZBA Referral: Y N

Ready For Meeting Y N
Recommended Mtg Date

* Watch for Jerik prop in rear for
X conn rec @ P/A

Assoc -
Condr. new

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PLANNING BOARD WORK SESSION RECORD OF APPEARANCE

RECORD OF APPEARANCE:

TOWN / VILLAGE OF: New Windsor **P/B APP. NO.:** 02.36

WORK SESSION DATE: 21 May 2003 **PROJECT:** NEW OLD

REAPPEARANCE AT W/S REQUESTED: NO **RESUB. REQ'D:** Yes plan

PROJECT NAME: Beattie Rd Assoc

REPRESENTATIVES PRESENT:

MUNICIPAL REPS PRESENT:

BLDG INSP.
ENGINEER
P/B CHMN

FIRE INSP. _____
PLANNER _____
OTHER _____

ITEMS DISCUSSED:

- add back in budget case
- Henry -
- roadway dedication plan.
- CS.

after notes
Henry is concerned about
sight distance - he is to
check and advise Petro
if they are to go out
celebration

STND CHECKLIST:

DRAINAGE

DUMPSTER _____

SCREENING _____

LIGHTING

(Streetlights)
LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT STATUS:

ZBA Referral: Y N

Ready For Meeting ☒ Y ☐ N

Recommended Mtg Date _____



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**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: 02-36
WORK SESSION DATE: 2 April 03 PROJECT: NEW OLD X
REAPPEARANCE AT W/S REQUESTED: Yes RESUB. REQ'D: _____
PROJECT NAME: Beattie Rd Assoc
REPRESENTATIVES PRESENT: Mike Mole
MUNICIPAL REPS PRESENT: BLDG INSP. _____ FIRE INSP. Bob
ENGINEER X PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED: Mulligan I
dis. for phasing -
disc concept plan for
balance (lots > 5A)
and show to board
he says owner/purchaser
have come to agmt.

| <u>STND CHECKLIST:</u> | <u>PROJECT TYPE</u> |
|------------------------|---------------------|
| DRAINAGE _____ | SITE PLAN |
| DUMPSTER _____ | SPEC PERMIT |
| SCREENING _____ | L L CHG. |
| LIGHTING _____ | SUBDIVISION |
| (Streetlights) | OTHER |
| LANDSCAPING _____ | |
| BLACKTOP _____ | |
| ROADWAYS _____ | |
| APPROVAL BOX _____ | |

PROJECT STATUS:

ZBA Referral: _____

Ready For Meeting _____

Recommended Mtg Date _____



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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

100-3

TOWN / VILLAGE OF: New Windsor

P/B APP. NO.: _____

WORK SESSION DATE: 2 April 03

PROJECT: NEW ☒ OLD _____

REAPPEARANCE AT W/S REQUESTED: Yes

RESUB. REQ'D: later

PROJECT NAME: Beattie Rd Subdiv

REPRESENTATIVES PRESENT: Mike Mide

MUNICIPAL REPS PRESENT:

BLDG INSP. _____
ENGINEER ☒ _____
P/B CHMN _____

FIRE INSP. Bob #43!
PLANNER _____
OTHER _____

ITEMS DISCUSSED:

Mulligan Property II
look at horsehoe or internal loop.
*Myra need Henry Kroll at
next w/s to discuss this
*currently sub road 7 double
cul de sac

STND CHECKLIST:

DRAINAGE _____

DUMPSTER _____

SCREENING _____

LIGHTING _____

(Streetlights)

LANDSCAPING _____

BLACKTOP _____

ROADWAYS _____

APPROVAL BOX _____

PROJECT STATUS:

ZBA Referral: Y N

Ready For Meeting Y X N

Recommended Mtg Date _____

PROJECT
TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER



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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

1-3

TOWN / VILLAGE OF: New Windsor

P/B APP. NO.: _____

WORK SESSION DATE: 15 Jan 2002

PROJECT: NEW X OLD _____

REAPPEARANCE AT W/S REQUESTED: Yes

RESUB. REQ'D: later

PROJECT NAME: Beattie Rd ~~Phase~~ Construction

REPRESENTATIVES PRESENT: Mike & Moele

MUNICIPAL REPS PRESENT:

BLDG INSP. _____
ENGINEER X
P/B CHMN _____

FIRE INSP. Bob R
PLANNER _____
OTHER _____

ITEMS DISCUSSED:

Suggest PR not Y using
elements - can upgrade to
not same applicant as
Beattie Rd Assoc
5 lot proposed

STND CHECKLIST:

PROJECT
TYPE

DRAINAGE _____

DUMPSTER Term Rd later

SCREENING _____

LIGHTING _____

(Streetlights)

LANDSCAPING _____

BLACKTOP _____

ROADWAYS _____

APPROVAL BOX _____

PROJECT STATUS:

ZBA Referral: _____ Y _____ N

Ready For Meeting _____ Y _____ N

Recommended Mtg Date _____

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER



Town of New Windsor

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Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: **HIGHWAY DEPARTMENT**

P.B. FILE #**02-36**

DATE RECEIVED: **5-21-2003**

PLEASE RETURN COMPLETED FORM TO MYRA BY: _____

THE MAPS AND/OR PLANS FOR:

BEATTIE ROAD ASSOCIATES

Applicant or Project Name

SITE PLAN _____, SUBDIVISION **XX**, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☐ **APPROVED:**

Notes: _____

☐ **DISAPPROVED:**

Notes: under review

Signature: Wendy J. Kell 5/28/03
Reviewed by: _____ Date

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
SUBJECT: Beattie Road Associates
DATE: 15 April 2003

Planning Board Reference Number: PB-02-036

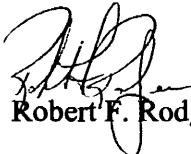
Dated: 14 April 2003

Fire Prevention Reference Number: FPS-03-16

A review of the above referenced subdivision plan was conducted on 15 April 2003.

This subdivision plan is acceptable.

Plans Dated: 12 April 2003 Revision 1


Robert F. Rodgers



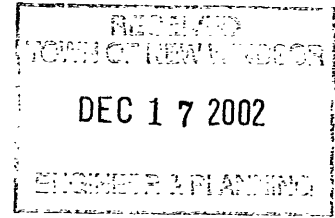
Town of New Windsor

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Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: ☐ FIRE INSPECTOR, ☒ WATER DEPT.,
☐ SEWER DEPT., ☐ HIGHWAY DEPT.



P.B. FILE # 02-36 DATE RECEIVED: _____

PLEASE RETURN COMPLETED FORM TO MYRA BY: 1-6-03

THE MAPS AND/OR PLANS FOR:

Beattie Rd. Associates

Applicant or Project Name

SITE PLAN ☐, SUBDIVISION ☒, LOT LINE CHANGE ☐, SPECIAL PERMIT ☐

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☒ APPROVED:

Notes: There is no town water in this area.

☐ DISAPPROVED:

Notes: _____

Signature: [Signature] 12-19-02
Reviewed by: _____ Date

INTER-OFFICE CORRESPONDENCE

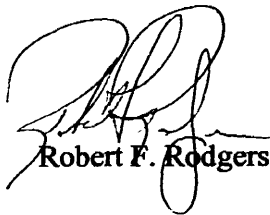
TO: Town Planning Board
FROM: Town Fire Inspector
SUBJECT: Beattie Road Associates
DATE: 19 December 2002

Planning Board Reference Number: PB-02-36
Dated: 17 December 2002
Fire Prevention Reference Number: FPS-02-067

A review of the above referenced subdivision plan was conducted on 19 December 2002.

This subdivision plan is acceptable.

Plans Dated: 18 September 2002



Robert F. Rodgers



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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF: NEW WINDSOR **P/B APP. NO.:** -

WORK SESSION DATE: 4 Dec 2002 **PROJECT:** NEW 1 OLD -

REAPPEARANCE AT W/S REQUESTED: Not now **RESUB. REQ'D:** Full App

PROJECT NAME: Beattie Rd Assoc Sd.

REPRESENTATIVES PRESENT: Mike M

MUNICIPAL REPS PRESENT:

| | | | |
|------------|----------|------------|------------|
| BLDG INSP. | <u>-</u> | FIRE INSP. | <u>Bob</u> |
| ENGINEER | <u>X</u> | PLANNER | <u>-</u> |
| P/B CHMN | <u>-</u> | OTHER | <u>-</u> |

ITEMS DISCUSSED:

- 5 lot id
- conc M presentation on overall
- add 7
- add SOT on lot 5
- add lot 5 to bulk table

| <u>STND CHECKLIST:</u> | <u>PROJECT TYPE</u> |
|-------------------------------|----------------------------|
| DRAINAGE <u>-</u> | SITE PLAN |
| DUMPSTER <u>-</u> | SPEC PERMIT |
| SCREENING <u>-</u> | L L CHG. |
| LIGHTING <u>-</u> | SUBDIVISION |
| (Streetlights) | OTHER |
| LANDSCAPING <u>-</u> | |
| BLACKTOP <u>-</u> | |
| ROADWAYS <u>-</u> | |
| APPROVAL BOX <u>-</u> | |

PROJECT STATUS:
ZBA Referral: - Y - N

Ready For Meeting X Y - N

Recommended Mtg Date next avail
after plans



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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: _____
WORK SESSION DATE: 6 Nov 02 PROJECT: NEW _____ OLD _____
REAPPEARANCE AT W/S REQUESTED: No RESUB. REQ'D: Full App
PROJECT NAME: Beattie Rd Sbdn
REPRESENTATIVES PRESENT: Mike Miele / Ed Gannon
MUNICIPAL REPS PRESENT: BLDG INSP. _____ FIRE INSP. Bob
ENGINEER X PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:

- 6 lot (separate joined lots on both sides of road)
- call out road
- bulk tank add 5+6
- 5 DS lots 5+6
- 2+3 lanes in drive road

STND CHECKLIST:

DRAINAGE _____
DUMPSTER _____
SCREENING _____
LIGHTING _____
(Streetlights)
LANDSCAPING _____
BLACKTOP _____
ROADWAYS _____
APPROVAL BOX Yes

PROJECT TYPE

SITE PLAN
SPEC PERMIT
L L CHG.
SUBDIVISION
OTHER

PROJECT STATUS:

ZBA Referral: Y _____ N

Ready For Meeting X Y _____ N

Recommended Mtg Date next avail

hand bu 6/27



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**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN / VILLAGE OF:

New Windsor

P/B APP. NO.:

1-3
02-36

WORK SESSION DATE:

10-2-02

PROJECT: NEW

OLD

REAPPEARANCE AT W/S REQUESTED:

Yes

RESUB. REQ'D:

Full

PROJECT NAME:

Beattie Rd Pk

REPRESENTATIVES PRESENT:

MUNICIPAL REPS PRESENT:

BLDG INSP.
ENGINEER X
P/B CHMN

FIRE INSP. *Bob*
PLANNER
OTHER

ITEMS DISCUSSED:

APPROVAL BOX:

N/S

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

PROJECT
TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

PROJECT STATUS:

ZBA Referral:

Y N

Ready For Meeting

Y N

Recommended Mtg Date



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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

1-3

TOWN / VILLAGE OF: NEW Windsor

P/B APP. NO.: **02-36**

WORK SESSION DATE: 18 Sept 02

PROJECT: NEW ☒ OLD ☐

REAPPEARANCE AT W/S REQUESTED: no

RESUB. REQ'D: Full App

PROJECT NAME: Beattie Rd Assoc (Newman)

REPRESENTATIVES PRESENT: Mike Miele

MUNICIPAL REPS PRESENT:

BLDG INSP. _____
ENGINEER X
P/B CHMN _____

FIRE INSP. Bob
PLANNER _____
OTHER _____

ITEMS DISCUSSED:

- 25' from & 50' total Row
- names for all adj. lots.
- show site dist @ driveway

STND CHECKLIST:

DRAINAGE _____

DUMPSTER _____

SCREENING _____

LIGHTING _____

(Streetlights)

LANDSCAPING _____

BLACKTOP _____

ROADWAYS _____

→ 10/9 mtg.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

☐ **Main Office**
33 Airport Center Drive
Suite #202
New Windsor, New York 1
(845) 567-3100
e-mail: mheny@att.net

☐ **Regional Office**
507 Broad Street
Milford, Pennsylvania 183
(570) 296-2765
e-mail: mhpa@ptd.net

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF:

New Windsor

P/B APP. NO.:

02-36

WORK SESSION DATE:

4 Sept 02

PROJECT: NEW ☒ OLD ☐

REAPPEARANCE AT W/S REQUESTED:

yes

RESUB. REQ'D:

Full

PROJECT NAME:

Neuman

REPRESENTATIVES PRESENT:

Mike Miele

Action not dealing with it

MUNICIPAL REPS PRESENT:

BLDG INSP.
ENGINEER
P/B CHMN

☒

FIRE INSP.
PLANNER
OTHER

Bldg

ITEMS DISCUSSED:

Bentlie Rd

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

- sight distance each driveway

- clear speed limit

- v/p

- Lot 5 northern + southern portion

- show 7 across road

- 25' of to each side grad. off died end to end

- need full site designs (incl lot 5)

- mandate, 7/11?



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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33 Airport Center Drive
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☐ Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhempa@ptd.net

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

103

P/B APP. NO. 02-36

TOWN/VILLAGE OF: New Windsor

WORK SESSION DATE: 21 AUG 02

PROJECT: NEW X OLD

REAPPEARANCE AT W/S REQUESTED: later Yes

RESUB. REQ'D: K11

PROJECT NAME: Phil Neuman

REPRESENTATIVES PRESENT: Nelson Pierre

MUNICIPAL REPS PRESENT:

BLDG INSP. _____
ENGINEER X
P/B CHMN _____

FIRE INSP. Rich
PLANNER _____
OTHER _____

ITEMS DISCUSSED: Beattie Rd.

STND CHECKLIST:

on left side part show meaning for 207

DRAINAGE

55-1-42.4

DUMPSTER

wants 4 lots

SCREENING

fast 6 lot w/ bal lot each side

LIGHTING

50' Rwd ded.

(Streetlights)

split distance each lot

LANDSCAPING

- if right dist n/b may need P/R

BLACKTOP

- need overall parcel plan

ROADWAYS

- may keep bal as one piece due to SDS

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (914) 563-4615
Fax: (914) 563-4693

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision ☒ Lot Line Change ☐ Site Plan ☐ Special Permit ☐

Tax Map Designation: Sec. 55 Block 1 Lot 42.4

BUILDING DEPARTMENT REFERRAL NUMBER _____

1. Name of Project Beattie Rd. Subdivision- 5-Lot,

2. Owner of Record Beattie Rd Associates Phone 845-624-2100

Address: 314 W Route 59, Nanuet NY 10954
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant same as above Phone —

Address: _____
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan Michael E. Miele, PE Phone 845-641-4258

Address: 119 Rockland Plaza, Nanuet NY 10954
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney Pat Fischer Phone 845-624-0896

Address 314 W. Route 59, Nanuet NY 10954
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

Michael E. Miele, P.E. 845-641-4258
(Name) (Phone)

7. Project Location: On the N&S side of Beattie Rd. 1.2 Acres
(Direction) (Street) (No.)
East of Rt 207
(Direction) (Street)

8. Project Data: Acreage 85 Zone R-1 School Dist. Cornwall

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No X

***This information can be verified in the Assessor's Office.**

***If you answer yes to question 9, please complete the attached AAgricultural Data Statement.**

10. Description of Project: (Use, Size, Number of Lots, etc.) 5-Lot, residential
Subdivision,

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no X

12. Has a Special Permit previously been granted for this property? yes _____ no X

ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

20th DAY OF September 2002


APPLICANT'S SIGNATURE


NOTARY PUBLIC

DENISE PAOELLA
Notary Public, State of New York
No. 01PA5832473
Qualified in Rockland County
Commission Expires Aug. 28, 2006

Please Print Applicant's Name as Signed

TOWN USE ONLY:

DATE APPLICATION RECEIVED

APPLICATION NUMBER

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Beattie Rd Associates, deposes and says that he resides
(OWNER)

at 314 WRT 59, Nanuet Ny 10954 in the County of Rockland
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 55 Block 1 Lot 42.4)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

Michael E. Miele, PE, Landtech Consulting - 119 Rockland plaza, Nanuet Ny 10954
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 9-20-02

[Signature]
Witness' Signature

[Signature]
Owner's Signature

Applicant's Signature if different than owner

[Signature]
Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO
REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

AGENT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Beattie R Associates LLC deposits and says that he resides
(OWNER)

at 119 Rockland Ctr Ste 150 Nanuet NY 10954 in the County of Rockland
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 55 Block 1 Lot 42.4)
designation number (Sec. 55 Block 1 Lot 42.4) which is the premises described in
the foregoing application and that he designates:

Edward T Garrison 25 Cherry Hill Rd Blooming Grove NY 10914
(Agent Name & Address)

(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOO

DENISE PAOELLA
Notary Public, State of New York
No. 01PA0000473
Qualified in Rockland County
Commission Expires Aug-09
Denise Paolla
6/11/04

SWORN BEFORE ME THIS:

16th DAY OF June 2004

**

Owner's Signature (MUST BE NOTARIZED)

[Signature]
Agent's Signature (If Applicable)

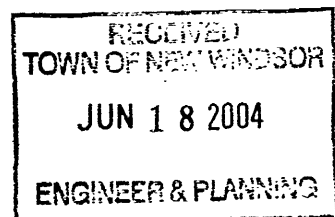
[Signature]
NOTARY PUBLIC

Professional Representative's Signature

**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

DENISE PAOELLA
Notary Public, State of New York
No. 01PA0000473
Qualified in Rockland County
Commission Expires Aug-09
Denise Paolla



AGENT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Beatrice Associates LLC deposes and says that he resides
(OWNER)

at 119 Rockland Ctr Ste 650 Nanuet NY 10654 in the County of Rockland
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 55 Block 1 Lot 42.4
designation number (Sec. Block Lot) which is the premises described in
the foregoing application and that he designates:

(Agent Name & Address)

Georgia Markel 1 International Blvd Ste 205 G Mahwah NJ 07495
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICHEVER IS SOONER.**

SWORN BEFORE ME THIS:

16th DAY OF June 2004

Owner's Signature (MUST BE NOTARIZED)

Agent's Signature (If Applicable)

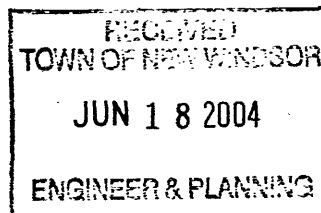
NOTARY PUBLIC

Professional Representative's Signature

**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

DENISE PAOELLA
Notary Public, State of New York
No. 01PA8032473
Qualified in Rockland County
Commission Expires Aug. 20, 2006



**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**

AGRICULTURAL DISTRICT NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York has before it an application for Subdivision Site Plan _____

for the proposed minor subdivision
(briefly describe project)

As this project may be located within 500' of a farm operation located within an Agricultural District, the TOWN OF NEW WINDSOR is required to notify property owners of property containing a farm operation within this Agricultural District and within 500' of the proposed project.

Owner/Applicant Beattie R. Associates LLC
Name

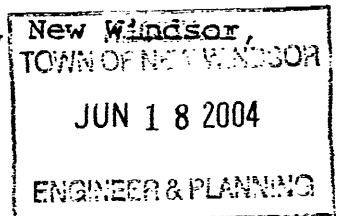
Address: 119 Rockland Ctr Ste 150
Nanuet NY, 10954

Project Location: 55-1-42.4
Tax Map # Sec., Block, Lot

Street: Beattie Rd., New Windsor
New York

A map of this project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, N.Y.

Date: 6/16/04



TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.,
Chairman

**R & C Mulligan Corp.
508 Beattie Road
Rock Tavern, NY 12575**

February 28, 2004

Ms. Myra Mason
New Windsor Planning Board
New Windsor, NY 12553

Dear Myra,

Please be advised that on September 9, 2003 the following parcels were sold by R&C Mulligan Corp.
as follows:

Purchaser:

Parcel:

Beattie R Associates, LLC
Mr. Philip Neuman

55-1-42.4

Associates at the Palm, LLC
Mr. Philip Neuman

55-1-31

Thank you the assistance you have provided our family.

Sincerely,



Ann M. Pagliaro for
Catherine Mulligan

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Latherine C. Mulligan, deposes and says that he resides
(OWNER)

at 508 Beattie Rd, Rock Tavern, N.Y. 12575 in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 55 Block 1 Lot 42.4)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in

the foregoing application and that he authorizes:

Beattie Rd Associates - 314 W Route 59, Nanuet Ny 10954
(Applicant Name & Address, if different from owner)

Michael E. Miele, P.E. - Landtech Consulting - 119 Rockland Plaza, Nanuet Ny 10954
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 10/3/02

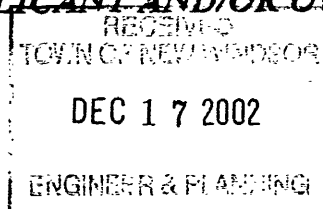
[Signature]
Witness' Signature

Latherine C. Mulligan
Owner's Signature

[Signature]
Applicant's Signature if different than owner

[Signature]
Representative's Signature


**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO
REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

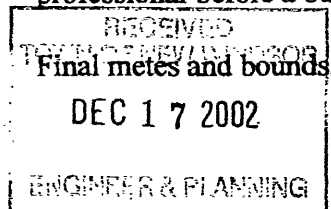


02-36

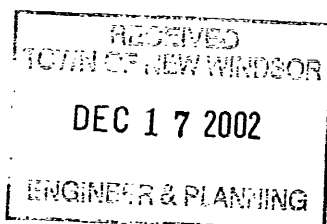
**TOWN OF NEW WINDSOR PLANNING BOARD
SUBDIVISION/LOT LINE CHANGE CHECKLIST**

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

1. X Name and address of Applicant.
 - * 2. X Name and address of Owner.
 3. X Subdivision name and location
 4. X **Provide 4" wide X 2" high box (IN THE LOWEST RIGHT CORNER OF THE PLAN) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SUBDIVISION PLAN)**
- SAMPLE:** 
5. X Tax Map Data (Section, Block & Lot).
 6. X Location Map at a scale of 1" = 2,000 ft.
 7. X Zoning table showing what is required in the particular zone and what applicant is proposing.
 8. X Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
 9. X Date of plat preparation and/or date of any plat revisions.
 10. X Scale the plat is drawn to and North arrow.
 11. X Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
 12. X Surveyor's certificate.
 13. X Surveyor's seal and signature.
 14. X Name of adjoining owners.
 15. X Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
 - * 16. X Flood land boundaries.
 17. X A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
 18. X Final metes and bounds.



19. X Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
20. X Include existing or proposed easements.
21. X Right-of-way widths.
22. X Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23. X Lot area (in square feet for each lot less than 2 acres).
24. X Number the lots including residual lot.
25. X Show any existing waterways.
- *26. X A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
27. X Applicable note pertaining to owners review and concurrence with plat together with owners signature.
28. X Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. X Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. X Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
31. X Provide A septic system design notes as required by the Town of New Windsor.
32. X Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. X Indicate percentage and direction of grade.
34. X Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. X Indicate location of street or area lighting (if required).



REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. X na Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
37. X na A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

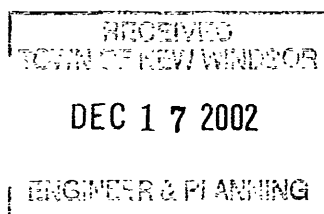
It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: Michael E. Miele, PE 9-20-02
Licensed Professional Date



PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

| | |
|---|----------------------|
| 1. APPLICANT /SPONSOR | 2. PROJECT NAME |
| 3. PROJECT LOCATION: Municipality <u>New Windsor</u> County <u>Orange</u> | |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>Beattie Rd, New Windsor,</u> <u>1.2 miles in from Rt 207.</u> | |
| 5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration | |
| 6. DESCRIBE PROJECT BRIEFLY: <u>(s) Lot subdivision</u> <u>Tax map 55-1-42.4</u> | |
| 7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately <u>83</u> acres | |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly | |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: | |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals | |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval | |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE | |
| Applicant/sponsor name: <u>[Signature]</u> | Date: <u>9-20-02</u> |
| Signature: <u>[Signature]</u> | |

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

DEC 17 2002

OVER

1

ENGINEER & PLANNING

02-36

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

| | |
|---|---|
| A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? <input type="checkbox"/> Yes <input type="checkbox"/> No | If yes, coordinate the review process and use the FULL EAF. |
| B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) | |
| C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: | |
| C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: | |
| C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: | |
| C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: | |
| C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly. | |
| C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly. | |
| C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly. | |
| D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly | |

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

~~DEC 17 2002~~

2

02-36

ENGINEER & PLANNING

FOR OFFICIAL USE ONLY

Permit No. _____

Fee Received _____ Date _____

Town _____ of New Windsor

Orange

County, New York

Permit Application for Development
in
Flood Hazard Areas

A. General instructions page 4 (Applicant to read and sign)

B. For assistance in completing or submittal of this application contact:

_____, Floodplain Administrator,
(Name)

(Address)

_____, NY () _____

1. Name and Address of Applicant

(First Name)

(MI)

(Last Name)

Beattie Rd Associates

Street Address: 314 W Route 59, Nanuet NY 10954

Post Office: _____

State: _____

Zip Code: _____

Telephone: () _____

845-624 2100

2. Name and Address of Owner (If Different)

(First Name)

(MI)

(Last Name)

Street Address: _____

Post Office: _____

State: _____

Zip Code: _____

Telephone: () _____

3. Engineer, Architect, Land Surveyor (If Applicable)

(First Name)

(MI)

(Last Name)

Mike Miele

E

Miele

Street Address: 119 Rockland Plaza

Post Office: _____

State: NY

Zip Code: 10954

Telephone: () _____

845 641 4258

DEC 17 2002

1

02-36

ENGINEER & PLANNING

PROJECT LOCATION

Street Address: Beattie Rd.

Tax Map No. 55-1-42.4

Name of, distance and direction from nearest intersection or other landmark

1.2 miles from Rt. 207

Name of Waterway:

PROJECT DESCRIPTION (Check all applicable boxes and see Page 4, Item 3)

Structures

☒ New Construction
☐ Addition
☐ Alteration
☐ Relocation
☐ Demolition
☐ Replacement

Structure Type

☒ Residential (1-4 family)
☐ Residential (More than 4 family)
☐ Commercial
☐ Industrial
☐ Mobile Home (single lot)
☐ Mobile Home (Park)
☐ Bridge or Culvert

Estimated value of improvements if addition or alteration:

Other Development Activities

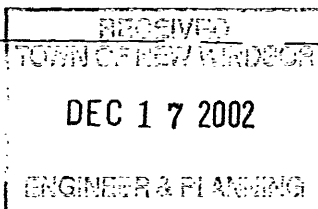
☐ Fill ☐ Excavation ☐ Mining ☐ Drilling ☐ Grading
☐ Watercourse alteration ☐ Water System ☐ Sewer System
☒ Subdivision (New) ☐ Subdivision (Expansion)
☐ Other (Explain)

CERTIFICATION

Application is hereby made for the issuance of a floodplain development permit. The applicant certifies that the above statements are true and agrees that the issuance of the permit is based on the accuracy thereof. False statements made herein are punishable under law. As a condition to the issuance of a permit, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomsoever suffered, arising out of the project described herein and agrees to indemnify and save harmless to the community from suits, actions, damages and costs of every name and description resulting from the said project. Further, the applicant agrees that the issuance of a permit is not to be interpreted as a guarantee of freedom from risk of future flooding. The applicant certifies that the premises, structure, development, etc. will not be utilized or occupied until a Certificate of Compliance has been applied for and received.

9-27-02
Date

[Signature]
Signature of Applicant



_____ of _____
Flood Hazard Development Permit

Administrative Action
Completed by Floodplain Administrator

Proposed project located in _____ "A" zone with elevation
_____ "A" zone without elevation
_____ Floodway
_____ Coastal High Hazard Area (V-Zone)

Base flood elevation at site is _____

Source documents: _____

PLAN REVIEW

Elevation to which lowest floor is to be elevated _____ ft. (NGVD)
Elevation to which structure is to be floodproofed _____ ft. (NGVD)
Elevation to which compacted fill is to be elevated _____ ft. (NGVD)

ACTION

- _____ Permit is approved, proposed development in compliance with applicable floodplain management standards.
- _____ Additional information required for review. Specify: (i.e., encroachment analysis)

- _____ Permit is conditionally granted, conditions attached.
- _____ Permit is denied. Proposed development not in conformance with applicable floodplain management standards. Explanation attached. A variance, subject to Public Notice and Hearing, is required to continue project.

Signature _____ Date _____
(Permit Issuing Officer)

This permit is valid for a period of one year from the above date of approval.

BUILDING CONSTRUCTION DOCUMENTATION

The certified "As Built" elevation of lowest floor (including basement) of structure is _____ ft. NGVD.

Certification of registered professional engineer, land surveyor or other recognized agent, documenting these elevations is attached.

CERTIFICATE OF OCCUPANCY/COMPLIANCE

Certificate of Occupancy and/or Compliance Issued:

Date _____ Signature _____

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_____ of _____
_____ County, New York

Development in Flood Hazard Areas
Instructions

1. Type or print in ink
2. Submit _____ copies of all papers including detailed construction plans and specifications.
3. Furnish plans drawn to scale, showing nature, dimension and elevation of area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically the following is required: (A) NGVD (Mean Sea Level) elevation of lowest floor including basement of all structures; (B) description of alterations to any watercourse; (C) statement of techniques to be employed to meet requirements to anchor structures, use flood resistant materials and construction practices; (D) show new and replacement potable water supply and sewage systems will be constructed to minimize flood damage hazards; (E) Plans for subdivision proposal greater than 50 lots or 5 acres (whichever is least) must provide base flood elevations if they are not available; (F) Additional information as may be necessary for the floodplain administrator to evaluate application.
4. Where a non-residential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of the local floodplain management regulations.
5. No work on the project shall be started until a permit has been issued by the floodplain administrator.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory compliance.
7. Applicant will provide all required elevation certifications and obtain a certificate of compliance prior to any use or occupancy of any structure or other development.

Applicant's signature _____

Date

9-27-02

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CERTIFICATE OF COMPLIANCE
for
FLOODPLAIN DEVELOPMENT

| | |
|--|---|
| <p>_____ of _____ County, N.Y.</p> <p>(Applicant shall fill in all pertinent information in Section A including 1 <u>or</u> 2</p> | |
| <p>SECTION A</p> <p>Premises location <u>Beattie Rd.</u></p> <p style="margin-left: 150px;"><u>Section</u></p> <p style="margin-left: 150px;"><u>55-1-42.4</u></p> <p>Applicant Name & Address <u>Beattie Rd Associates</u></p> <p>Telephone No. <u>845-624-2100</u></p> | <p>Permit No. _____</p> <p>Variance No. _____</p> <p>Date _____</p> <p style="text-align: center;">CHECK ONE</p> <p>New Building _____</p> <p>Existing Building _____</p> <p>Other (List) _____</p> |
| <p>1. I certify that I have completed the above project in accordance with the Community's floodplain management regulations and have met all the requirements which were conditions of my permit. I now request completion of this Certificate of Compliance by the program administrator.</p> <p style="text-align: right;">Signed <u>[Signature]</u></p> <p style="text-align: right;">Date <u>9-2-02</u></p> <p>2. I certify that I have completed the above project in accordance with conditions of variance number _____, dated _____ to the Community's floodplain management regulations and have met all requirements which were a condition of the variance. I now request completion of this certificate of compliance by the program administrator.</p> <p style="text-align: right;">Signed _____</p> <p style="text-align: right;">Date _____</p> | |
| <p>SECTION B (Local Administrator will complete, file, and return a copy to the applicant.)</p> <p>Final Inspection Date _____ by _____</p> <p style="text-align: center;">This certifies that the above described floodplain development complies with requirements of Flood Damage Prevention Local Law No. _____, or has a duly granted variance.</p> <p style="text-align: right;">Signed _____ (Local Administrator)</p> <p style="text-align: right;">Date _____</p> <p>Supporting Certifications: Floodproofing, elevation, hydraulic analysis, etc; (List).</p> | |

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